



aberdeen local development plan

**RESPONSE TO PROPOSED PLAN
CONSULTATION:
POLICIES, APPENDICES AND
ASSOCIATED DOCUMENTS**

ISSUE 18 - 44

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| Issue 18 | POLICY D1, D2 & D3: DESIGN | |
| Development plan reference: | Page 17-23 | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Mr Ken Hutcheson (9) Mr William Sell of Craigiebuckler and Seafield Community Council (66) Mr John Findlay of Ryden LLP on behalf of Stewart Milne Homes (85) Mr John Findlay of Ryden LLP on behalf of Dandara LLP (90) Ms Lavina C. Massie on behalf of Culter Community Council (98) Mr George Wood of Old Aberdeen Community Council (100) Mr Peter Roberts of Cults, Bieldside & Milltimber Community Council (102) Mr Abdul Latif of The New Aberdeen Mosque and Community Centre Project (116) Mr Anthony Aiken of Colliers International on behalf of MacTaggart and Mickel Homes (123) Clare Pritchett of Scottish Environment Protection Agency (124) Mr Dominic Fairlie of Aberdeen Civic Society (136) Mrs Claire Coutts of Ryden LLP on behalf of NHS Grampian (148) Miss Jennifer Woods of NLP Planning on behalf of British Airways (153) Ms Meabhann Crowe of Colliers on behalf of AA Webster and Sons (162) Ms Meabhann Crowe of Colliers on behalf of MacTaggart and Mickel Homes and Mr Fabrizio Necchi (163) Mr Ronald Leith on behalf of Old Aberdeen Heritage Society (179)</p> | | |
| Provision of the Development Plan to which the issue relates: | To ensure the delivery of well designed, sustainable places that are informed by the surrounding environment and make a positive contribution to it. | |
| Planning authority's summary of the representation(s): | | |
| <p>General</p> <p>9: Welcome quality architecture and contemporary design.</p> <p>Policy D1: Placemaking by Design</p> <p>Support the policy 98, 116, 123, 124, 136, 162, 163</p> <p><u>Design Strategy Requirement and Supporting text</u></p> <p>85: Object to the requirement to supply a Design Strategy. This will create confusion where a Design and Access Statement is required and is an additional burden to the development industry.</p> | | |

Update the Reference to the Supplementary Guidance Appendix.

85: It is not clear if the criteria set out under paragraph 3.5 are provided as Supplementary Guidance or part of the text pertaining to the Policy. Further confusion arises through reference to quality placemaking in Policy D1 but that reference changes to successful placemaking in Section 3.5. The qualities are the same, but a consistent description would be helpful.

136: Concern that paragraph 3.3 suggest some developments will not be of a scale to contribute to effective placemaking.

Define Placemaking

100: Define 'Placemaking'. Important buildings of any age, together with conservation areas, listed buildings and the context of these buildings must be preserved and enhanced.

Overlap between Policies

123, 162, 163: There is overlap between this and D2: landscape. Would welcome further information on the Aberdeen City and Shire Design Review Panel.

Additional Text

124: Support the promotion of resource efficient development

Incorrect Appendices

85: The appendices are incorrect

Policy D2: Landscape

Support for the Policy: 98, 116, 123

116: We have used these principles in designing the New Aberdeen Mosque and Community Centre

Incorrect Appendices

102: The text in Policy D2 refers to Technical Guidance Notes in Appendix 6. The reference is incorrect, it should be Appendix 5.

Expansion of the Policy

123, 162, 163: Welcome the inclusion of the sentence, "create new landscapes where none exist and where there are few existing features". The employment of robust, sensitive and strong landscape framework can overcome any concerns regarding allocations of sites. It requires to be expanded as a means by which other

aspirations and policy provisions can be met, e.g. Green Space Networks.

162: Land at Derbeth will be developed inline with the policy

163: Land at Bucksburn will be developed inline with this policy.

Additional Text

124: Additional text required. See the modification section.

Policy D3: Big Buildings

Support for the Policy: 98, 153

Historic Precedent

66: There is a poor record of appropriately allocated big buildings, such as Marischal Square and the West End of Union Street. Tall buildings in the city centre and surrounding streets should be refused.

Policy content

90: Policy should provide more flexibility on the location rather than restricting to the city centre and its immediate periphery. There should be clearer definition of "Big Buildings". There are successful buildings outwith the city centre e.g. Aberdeen University's library buildings, Robert Gordon's University buildings and Dandara's development at Oakhill.

136: Have concerns about the Policy. There should be text regarding the proliferation of large buildings that are uninteresting and overpower our existing heritage. Proper consideration should be given to the density of these, comparing the new building with the adjacent and surrounding area.

148: Policy is too prescriptive and prevents the provision of big buildings in locations outwith the City Centre. There are a number of locations where big buildings are appropriate outwith the City Centre, for example, Aberdeen Royal Infirmary. Big buildings should be determined on context, design and materials.

153: Supports clarification that this Policy does not apply to employment land and industrial areas. Support the need for Big Buildings to comply with Civil Aviation Authority requirements. It would be helpful if this requirement was also reflected in Policy.

179: Concerns regarding the Policy. There is no reference to the impact big buildings would have on the character of conservation area. The Big Buildings Policy is inadequate, in that it does not place at the heart of its concerns the imperative to protect the setting of buildings, streetscapes and views in the City's conservation areas. Historic Scotland in their response to the Draft Conservation Area Character Appraisal for Old Aberdeen suggested a Tall Buildings Strategy relating to extremely

large buildings and the threat of the visual impact new development/tall building would have on the setting of the core of Old Aberdeen.

Incorrect Appendices/Drafting Error

90: The references in the final paragraph of the policy do not relate to big buildings and the opening sentence on page 23 requires clarification.

Modifications sought by those submitting representations:

Policy D1: Quality Placemaking by Design

Design Strategy Requirement and Supporting Text

85: The requirement to provide a Design Strategy should be removed from the Policy. Failing that, greater clarity must be provided on the nature and scale of developments that will be required to provide a Design Strategy.

The references to the various Appendices should be amended to refer to the correct appendices.

136: 'Vision' should be included as a key attribute for good placemaking.

Overlap between Policies

123, 162, 163: Acknowledge the overlap with Policy D2 in the preamble to Policy D1 Provide further information within the policy text or associated Supplementary Guidance regarding the Design Review Panel.

Additional Text

124: Request the text in the resource efficient section of the six criteria Appendix is modified to read: Maximises efficiency of the use of resources through natural or technological means such as low or zero carbon energy-generating technologies, solar orientation and shelter, water saving measures including water capture and reuse, "connection to mains drainage, avoidance of" carbon rich soils, "incorporation of" SUDS and "blue"/green infrastructure

Policy D2: Landscape

Expansion of the Policy

123, 162, 163: The Policy text should be expanded /amended to provide greater emphasis on the ability of a robust landscape framework to address policy considerations and significantly assist in meeting the provisions of Policy D1.

Additional Text

124: Add the words water features, so the policy reads as below: Be informed by the existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as "water features", existing boundary walls, hedges, copses and other features of interest.

Policy D3: Big Buildings

Policy content

179: This guidance needs to be re-written to take account of all the comments made, and incorporate effective policy to protect conservation areas from the detrimental impact of big buildings on their setting.

Incorrect Appendices/Drafting Errors

90: The references in the final paragraph of the policy do not relate to big buildings and the opening sentence on page 23 requires clarification.

Summary of response (including reasons) by planning authority:

General

9: We welcome support of the design policies and the ethos of creating quality places. Quality placemaking is at the core the planning system as is outlined through Scottish Planning Policy (CD05), Designing Streets (CD06) and Creating Places: A Policy Statement for Architecture and Place in Scotland (CD07).

Policy D1: Quality Placemaking by Design

Support the Policy

98, 116, 123, 124, 136 , 162, 163: We welcome the support for the Policy

Supporting Text

136: Proposed Plan Paragraph 3.3 states "not all development will be a scale to make a significant placemaking impact, however all good design and details adds to the attractiveness of the built and natural environment and careful consideration is critical. All developments, from window replacements to large developments, represent an opportunity to add to the rich placemaking legacy of our built environment". Not all developments will be of the scale to have a significant impact on Placemaking, however, as is stated in paragraph 3.5, "all development will be expected to contribute towards creating successful place". An application to replace a single window may not in itself have a significant impact on Placemaking, and it is unlikely it will be able to fulfil the criteria of 'Easy to get to/move to', but the application is still required to be assessed on the principles of Policy D1, and other

relevant policy and Supplementary Guidance. The design, detail, materials and proportions to name but a few characterises will have to be assessed and although the application may not have been able to fulfil the Six Qualities of Successful Placemaking is still adds to the rich placemaking legacy of Aberdeen's built environment.

The Six Qualities for Successful Placemaking are based on and expand the Six Qualities of Successful Place as outlined in Creating Places (CD07) and on page 13-14 of SPP (CD05). The addition of 'Vision' to the list is unquantifiable. The vision of the overarching policy D1 is to create quality Placemaking by achieving the criteria of successful Placemaking. The Six Qualities of Successful Placemaking have tangible criteria, as have been defined in national documents.

85: There is no requirement to retitle the criteria on page 19 of the Proposed Plan from 'Criteria: Six Qualities of Successful Placemaking' to 'Criteria: Six Qualities of Quality Placemaking'. The Six Qualities of Successful Placemaking are based on the Creating Places document and the six qualities of successful places outlined within these. As is stated in the document quality places are successful places. Therefore, quality Placemaking is dependent on achieving the Six Qualities of Successful Placemaking, which in turn will create development that sustains and enhances the social, economic, environmental and cultural attractiveness of Aberdeen. The location of the criteria on pages 19-20, next to the text regarding the Proposed associated Supplementary Guidance documents rather than the policy does raise confusion and could be moved through drafting/editing of the Plan and is not an issue for Examination.

Design Strategy Requirement

85: As is outlined in SPP, paragraph 15 (CD05), planning should take every opportunity to create high quality places by taking a design-led approach. This design led approach should be applied at all levels from National Planning Framework 3 to individual building level.

Design and Access Statements are only required for National and Major Developments, or Local Developments within specific parameters/variables, as is outlined in the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 (RD10) and Circular 3/2013: Development Management Procedures (RD24). The provision of a Design Strategy will provide a robust method of increasing the opportunity to create high quality places and to ensure this is applied to all levels. The provision of a Design Strategy alongside an application need not be onerous.

Define Placemaking

100: A definition of Placemaking can be found within paragraph 36 of SPP, "Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people's need". The design policies support the creation, and continuation of well considered places, which contribute towards Placemaking and successful places. As is outlined in

Creating Places quality places are successful places.

The Six Qualities of Successful Placemaking on page 19-20 of the Proposed Plan builds on the Six Qualities of Successful Place on page 13-14 of SPP. This says that consideration should be given to the context of a development. Proposed Plan Policies D4: Historic Environment and D5: Our Granite Heritage provide further protection to preserve and enhance Aberdeen's features.

Overlap Between Policies

123, 162, 163: Proposed Plan Policy D1 provides the overarching policy for all development to ensure there is quality of placemaking by design, which includes consideration of a number of different issues including landscape, as outlined in the Distinctive section of the Six Qualities of Successful Placemaking on page 19 of the Proposed Plan. This Policy will be used in conjunction with many other policies to ensure there is a quality Placemaking approach to delivering new development. There may be further crossover with other policies such as sustainable transport, low and zero carbon technology and energy efficiency, flooding and drainage to name but a few. Within the Local Development Plan there will many crossovers between numerous policies depending on the application which is being assessed. It would be unreasonable to highlight links to the landscape crossover as this will be detrimental to other areas where there is policy crossover, and may not be relevant to every application assessed. The Six Qualities of Successful Placemaking outline a number of significant considerations which need to be addressed when creating a development, again some of these will not be relevant to every application.

The Aberdeen City and Shire Review Panel (RD28) is an existing Supplementary Guidance document to the extant Aberdeen Local Development Plan 2012. We intend to adopt this document as a Technical Advice Note to the Proposed Plan further to its adoption.

Additional Text

124: Part of the modification sought by the respondent is reasonable. Within the Glossary of SPP, page 72 (CD05) green infrastructure is defines as such , 'includes the 'green' and 'blue' (water environment) features of the natural and built environments that can provide benefits without being connected'. If the Reporter is so minded the sentence (under the section 'resource efficient' on page 20 of the Proposed Plan) could be amended to state the following:

'Maximises efficiency of the use of resources through natural or technological means such as low or zero carbon energy-generating technologies, solar orientation and shelter, water saving measures including water capture and reuse, "connection to mains drainage, avoidance of" carbon rich soils, "incorporation of" SUDS and green infrastructure'

Incorrect Appendices

85: The reference to the Appendices is a drafting error and has been corrected by

the Planning Authority as a Non-Notifiable Modification (CD26).

Policy D2: Landscape

Support for the Policy

98, 116, 123: We welcome the support for the policy.

116: Please see Issue 17.

Incorrect Appendices

102: The reference to the Appendices is a drafting error and has been corrected by the Planning Authority as a Non-Notifiable Modification (CD26).

Expansion of Policy

123, 162, 163: The expansion of the Policy to meet the provision of other policies and aspirations is not reasonable. Each policy has a distinct focus. Proposed Plan Policy D2 in principle requires development to be informed by, and improve and enhance the setting and visual impact of developments. Proposed Plan Policy NE1 protects areas identified for their biodiversity, habitat and natural heritage value from development. Policy D2 also notes in bullet point 1 'development will be informed by the existing landscape...' and bullet point 2 'development will conserve, enhance, or restore existing landscape features and should incorporate them onto a spatial landscape design hierarchy that provides structure to the site layout'. Policy NE1 states, 'Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted'.

Bullet point 3 of Policy D2 does not override bullet points 1 and 2 of Policy D2 or Policy NE2. Strong landscape frameworks can be used to mitigate negative impacts of development. Yet this has to be read in the wider policy context. There is no reasonable argument to expand the text within bullet point 3 of the D2 policy to highlight the mitigation effects of landscape frameworks.

There is reference to Policy D1 in Representation 123. Policy D1 provides the overarching policy for all development to ensure there is quality of Placemaking by design, which includes consideration of a number of different issues including landscape. To highlight a link only to one areas of crossover may be detrimental to other areas where there is policy crossover.

162: Please see Issue 8

163: Please see Issue 6

Additional text

124: There is no overriding need to modify the policy to include the text "water features". Bullet point one of the Policy stresses the existing landscape character,

topography and features and other features of interest will be used to inform quality development. Water features would fall within the definition of other features of interest.

Policy D3: Big Buildings

Support for the Policy

98, 153: We welcome the support for the new Proposed Plan Policy: D3 Big Buildings. The Big Building policy has been drafted in response to consultation submitted for the Main Issues Report (RD40, Issue 11).

Historic Precedent

66: Many factors come into play when assessing Big Buildings as are outlined in the Policy and Proposed Supplementary Guidance: Big Buildings. The production of the Policy and Supplementary Guidance is a result of the consultation into the Main Issues Report. The applications mentioned, [Marischal Square \(140698\)](#) and Union Street ([130615](#) and [131135](#)) have approved planning permissions in place. These sites are not completed to date, with work underway. The success of these buildings is yet to be determined; yet interrogation of the design principles, approved drawings and the Officers Report would suggest that the buildings would have complied in principle to the policy and the associated Supplementary Guidance had these been present at the time of their determination.

Historic Scotland were consultees for the Marischal Square application and as is outlined within their response, “Express satisfaction that the proposed development would not have any significant adverse impact on the setting of Provost Skene’s House, Marischal College and Greyfriar’s Church. Indeed, state that the setting of these listed buildings and the wider setting of the Conservation Area can be positively transformed by the proposed development. Generally content that the development would sit comfortably in the existing setting, and are pleased that the scheme seeks to better integrate Provost Skene’s House with intimate vistas and connections, notably from Broad Street.” (RD43). Historic Scotland were also consultees for the Capital Cinema, 431 Union Street, Aberdeen planning and listed building applications. Comments received noted careful assessment in terms of wider visual impact on the particular area of Union Street and the conservation area would need to be achieved. (RD44)

The Big Buildings Policy does not preclude or assume refusal of Big Buildings in the city centre. As is stated in the preamble, Big Buildings can have a positive contribution to city life, an argument supported by Commission for Architecture and the Built Environment (CABE) and English Heritage (Paragraph 1.1) in their 2007 document, ‘Guidance on tall buildings’. (RD17)

Policy content

90, 148: The Respondents have concerns about the defined location of Big Buildings and flexibility of the Policy. The most logical location for Big Buildings is within the city centre and its immediate periphery; thereby ensuring high footfall developments

are located within the Regional Centre and close to existing transport hubs, all of which creates sustainable development. Alongside this it will help to create and maintain a vibrant city centre. When big buildings are located well, and are of the correct proportions and design, they can have a positive impact on a city. They can be a catalyst for change, provide greater densities and concentration of uses, bring greater accessibility to a range of amenities, and in themselves be an interesting feature in the streetscape and skyline.

The Policy is not too restrictive; it allows for a high degree of flexibility as there is no design code which must be adhered to. The Proposed Supplementary Guidance document says that consideration needs to be given to site analysis and context, visual analysis, and building design, including materials. It further outlines the principles which can be used to assess Big Building proposals outwith the city centre. It does not restrict Big Buildings to the centre and immediate peripheral area, but again reiterates the most sustainable location for Big Buildings is within the City Centre and its immediate periphery. The positive feedback on Aberdeen University Duncan Rice Library, Robert Gordon's University buildings and the housing development at Oakhill is welcomed.

There are existing clusters of large scale buildings within hospital and education community facility areas. The hospital or education facilities provide a specialised function and service to the immediate community and beyond. The hospital site comprises a core of buildings which are not at a human-scale. The definition of a 'big building' is one which exceeds the general height of the surrounding built context and/or whose footprint is in excess of the established development pattern, urban grain, or context on the site. On this site a 'big building' would be one which exceeds the existing non-human scale buildings on site. Again, this argument can be used for the buildings on the Robert Gordon Garthdee Campus, and the Modern Campus Area of University of Aberdeen (Character Area C in the Proposed Old Aberdeen Conservation Area Character Appraisal) (RD41).

136, 179: The respondents' note there should be an avoidance of the proliferation of large buildings that are uninteresting and overpowering to existing heritage, including conservation areas. The policy says that proposals for Big Buildings need thorough analysis of the context, to maintain and enhance the pattern and arrangement of the street blocks and plots, have slender vertical emphasis and silhouette. Further detail on Big Buildings is provided in the Proposed Big Buildings Supplementary Guidance (CD25). This document says that consideration needs to be given to site analysis and context, visual analysis, and building design.

The Representations appear to be written from the position that Big Buildings are always detrimental to the existing area. As is stated in the Preamble to the Policy (Proposed Plan paragraph 3.8), Big Buildings can have a positive contribution to city life, an argument supported by CABI and English Heritage in their 2007 document, 'Guidance on tall buildings'. An Aberdeen example is Marischal College. This is a big building; its floor plate is larger than the surrounding plot ratios, however due to its design, the vertical emphasis and its detailing the building does not appear bulky within its surroundings and is celebrated as a feature of Aberdeen.

The Proposed Policy and Proposed Supplementary Guidance say that visual

analysis is a critical part of the design and assessment process; including the analysis of long, medium and short views, plot ratios, mass, form, et cetera. Therefore setting will be well considered.

With regard to Old Aberdeen, as is identified within the Proposed Old Aberdeen Conservation Area Character Appraisal, there are five distinctive character areas, one of which, Character Area C, is the University Campus.

The Respondent discusses comments received by the Local Authority from Historic Scotland (RD45) in response to a consultation on the Proposed Old Aberdeen Conservation Area Character Appraisal (RD41). The Old Aberdeen Conservation Area Character Appraisal lists perceived opportunities to 'Exploration of Management Partnership Agreement with the University of Aberdeen and Historic Scotland', and 'University of Aberdeen's aspiration for its estate as set out in its strategic planning framework and underlying design principles'. The analysis with the Conservation Area Character Appraisal provides a basis from which to develop strategies to conserve and enhance the conservation area. There is no requirement for a specific Big Building policy for Old Aberdeen. All conservation areas should be treated with the same ethos, and are designated due to their special architectural or historic interest. There is no reason why one conservation area should be regarded as more significant than another.

The Big Building Policy and Supplementary Guidance can be used to assess Big Buildings outwith the city centre. Big buildings will have to be assessed against Policy D1: Quality Placemaking by Design and those within conservation areas will also be assessed against Policy D4: Historic Environment and other local, regional and national policies, not just the Big Building Policy and Supplementary Guidance. This does provide a strong framework.

153: The requirement for Big Buildings to comply with Civil Aviation Requirements is noted in the Proposed Big Buildings Supplementary Guidance. The Policy provides the principles of development and it is not necessary to outline the requirement in the Policy.

Incorrect Appendices/Drafting Errors

90: The reference to the Appendices is a drafting error and have been corrected by the Planning Authority as a Non-Notifiable Modification (CD26).

The drafting error in the opening sentence on page 23 has been amended to read, 'Supplementary Guidance (SG) Big Buildings supports the above policy by assuring quality of Placemaking is provided when tall and/or bulky building developments are proposed'. This is again considered to be a Non-Notifiable Modification.

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| Reporter's conclusions: |
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| Reporter's recommendations: |
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| Issue 19 | POLICY D4 & D5: BUILT HERITAGE | |
| Development plan reference: | Page 23-25 | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Mr David Fryer of Torry Community Council on behalf of Torry Community Council (35)</p> <p>Mr John Findlay of Ryden LLP on behalf of Stewart Milne Homes (85)</p> <p>Ms Lavina C. Massie on behalf of Culter Community Council (98)</p> <p>Mr Dominic Fairlie of Aberdeen Civic Society (136)</p> <p>Mrs Claire Coutts of Ryden LLP on behalf of NHS Grampian (148)</p> <p>Mr Simon Pallant of Scottish Government Planning and Architecture Division on behalf of Historic Scotland (165)</p> | | |
| Provision of the Development Plan to which the issue relates: | To ensure the City's historic environment is protected, retained and reused | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy D4: Historic Environment</p> <p><u>Support</u></p> <p>98: Support the Policy</p> <p><u>Policy Content</u></p> <p>165: Policy would benefit from a more explicit statement of the Council's policy with regard to listed buildings i.e. the retention of listed buildings and buildings within conservation areas that contribute to its character. Paragraph four can be removed as this repeats the paragraph above.</p> <p>Policy D5: Our Granite Heritage</p> <p><u>Support</u></p> <p>98, 148: Support the Policy</p> <p><u>Policy Content</u></p> <p>35: The Policy must be bias towards the retention and reuse of buildings. The gradual decline and demolition by owners must not be allowed.</p> <p>136: Policies should be introduced to enforce maintenance on vacant or unoccupied buildings that may be listed or lie within conservation area. This will stop landowners allowing deterioration through neglect, and then arguing demolition is the only viable</p> | | |

option.

148: Demolition should be permitted when it assists in the wider regeneration of an area.

165: The Main Issues Report outlined the 2012 Aberdeen Local Development Plan Granite Heritage policy "requires to be modified to provide assessment criteria for proposals where demolition is intended and also requires to be clearer on the appropriate reuse of granite in replacement proposals". A more tailored set of criteria can be found to better serve local decision making for undesignated buildings and structures that fall within this Policy. Paragraph 2 does not adequately set out criteria that cover the policy at large

Object to Policy

85: Object to the requirement to retain all buildings, and when demolition acceptable the requirement to re-use the building material onsite.

Modifications sought by those submitting representations:

Policy D4: Historic Environment

Policy Content

165: Reword policy to read: "The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan.

There will be a presumption in favour of the retention and reuse of listed buildings and buildings within conservation areas that contribute to its character. In assessing development proposals the Council support high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas, archaeology, schedule monuments, and historic gardens and designed landscapes.

The physical in situ preservation of all scheduled monuments and archaeological sites will be supported. Developments that would adversely impact upon archaeological remains, including battlefields, of either national or local importance, or on their setting will only be permitted in exceptional circumstances, where there is no practical alternative site and where there are imperative reasons of over-riding public need. In any such case, the applicant must at their own expense:

- take satisfactory steps to mitigate adverse development impacts; and
- where the preservation of the site in its original location is not possible, arrange for the full excavation, recording and publication/curation of the site in advance of

development.

In those cases where this is not justifiable or feasible, provision should be made for excavation and record with an appropriate assessment and evaluation. The appropriate publication/curation of findings will be expected.

Further guidance can be found within the supplementary guidance and technical advice notes listed in Appendix 6".

Policy D5: Our Granite Heritage

Object to Policy

85: Revert to 2012 Aberdeen Local Development Plan Policy to encourage the retention of granite buildings only in appropriate and viable circumstances. The reference to the SHEP Test for demolition should be removed from Policy and instead, set out in the supporting text. The requirement to reuse all of the original granite as a building material with in the development site should be removed.

Policy Content

35: The policy must be bias towards the retention and reuse of buildings.

148: Policy should be amended to reflect demolition can assist in wider regeneration schemes.

165: We request that paragraph 2 of Policy D5 is amended to provide clearer assessment criteria that reflects the aims of this policy.

Summary of response (including reasons) by planning authority:

Policy D4: Historic Environment

Support

98: We welcome and acknowledge the support for the Policy.

Policy Content

165: The principle of the Policy relates to the historic environment which includes listed buildings, conservation areas, archaeology, scheduled monuments, and historic gardens and designated landscapes. The Aberdeen City and Shire Strategic Development Plan 2014 (CD12) requires Aberdeen City to protect its built and historic environment, ensuring that development does not lead to the loss of, or damage to, built, natural or cultural heritage assets. The requirement for the Council to provide a more explicit statement regarding listed buildings narrows the focus of the Policy. The Policy is not specifically for listed buildings. It is agreed that through the Policy there is explicit guidance on scheduled monuments and archaeology, and

there is also mention of the Conservation Area Character Appraisals, therefore it could be perceived the Policy is unbalanced in its approach to listed buildings, but this argument could also be applied to historic gardens and designed landscapes.

The addition of the sentence, "There will be a presumption in favour of the retention and reuse of listed buildings and buildings within conservation areas that contribute to its character" to Proposed Plan Policy D4 could potentially cause conflict with the first sentence of Proposed Plan Policy D5: Our Granite Heritage which reads, "Throughout Aberdeen the Council seeks the retention and appropriate re-use, conversion and adaptation of all granite features, structures and buildings..." Making the change would mean Policy D4 would be stating only granite listed buildings and granite buildings within conservation areas that contribute to its character would have the presumption of retention and reuse while Policy D5 states this is the presumption for all granite building, features and structures. This would create confusion with regard to the overall ethos.

The first paragraph of Proposed Plan Policy says that the Council will adhere to the national guidance of Scottish Planning Policy (CD05) and Scottish Historic Environment Policy (RD13); alongside this the Council will adhere to the localised Supplementary Guidance and Conservation Area Character Appraisals that have been produced for specific circumstances. Within these documents there is a presumption in favour of preserving, retaining and reusing the historic environment, not just those elements which have statutory designations.

We do not consider it necessary to remove paragraph 4 of the Policy. The paragraph reiterates the importance of excavation and recording assets, with the appropriate assessment and evaluation, which are being removed from their in-suit setting. It also outlines appropriate publication/curation of the findings is expected.

Policy D5: Our Granite Heritage

Support

98, 148: We welcome and acknowledge the support for the Policy.

Policy Content

35, 136: Proposed Plan Policy D5 supports the retention and appropriate reuse, conversion and adaption of all granite buildings, the first sentence of the Policy clearly states this. The demolition of buildings with statutory status, those that are listed buildings, or those within conservation areas, have to satisfy strict criteria as outlined in the SHEP (paragraph 3.44, 3.50, 3.58) (RD13). The complete demolition of buildings without statutory status is covered in Class 70 of the General Permitted Development (Scotland) Order 1992, as amended (CD03/RD77).

The decline of buildings into a state of despair is dealt with under Building Standards and in particular the Building (Scotland) Act 2003 (RD06). The Act introduced new discretionary powers for Local Authorities to deal with defective buildings, as they see appropriate. The Local Authority can undertake the work and recover reasonable costs from the owner. Within Class 70 of the General Permitted Development

(Scotland) Order 1992 there are caveats which include, permission is required to demolish a building if a building has been rendered unsafe or uninhabitable by the action or inaction of any person having an interest in the land on which is building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support.

148: It is acknowledged in point 3 of paragraphs 3.44 and 3.50 of SHEP (RD13) that there can be a relationship between demolition and regeneration when the applicant has demonstrated that every effort has been made to retain the listed building and it can be shown that ‘the demolition of the building is essential to delivering significant benefits to economic growth or to the wider community’. Although the principle of regeneration is appropriate in certain circumstances, the overarching principle of SHEP and of Policy D5 is that the retention and reuse of existing buildings and structures is more sustainable. This is our preferred approach. As SHEP paragraph 1.31 states, “...the waste caused by unnecessary demolition and replacement, with consequent loss of embodied energy, the need for landfill and the sourcing and transport of new materials, should be avoided wherever possible”. The policy will not be amended to reflect that demolition can assist in wider regeneration schemes

165: The Main Issues (MIR) Report Consultation (RD40, Issue 12) and the research carried out after the consultation helped shape the Proposed Plan Policy. The action outlined in the MIR Response report was to assess the viability of developing criteria for the granite policy. In conducting research into developing criteria based policy we focussed on Class 70 of the General Permitted Development (Scotland) Order 1992/2011 (CD03), Environmental Impact Assessment (Scotland) Regulations 2011 (RD09), Listed Building and Conservation Area expansion, and from this Article 4 Directions within the General Permitted Development (Scotland) Order 1992/2011. We concluded that paragraphs 3.50 and 3.58 of SHEP (RD13) give strong criteria regarding demolition, with the caveat that retention is the always the superior approach. This is the approach we have adopted for statutory buildings. Expanding the criteria of SHEP into non statutory buildings would require an Article 4 Direction. This was investigated with the Councils’ solicitors and felt to be onerous and did not fit with the ethos of the modern planning system. The result would be a large increase in the number of planning applications submitted to the planning department, thereby slowing down the process and potentially leading to a number of unauthorised works taking place. A more reasonable approach is to ensure that we are active in identifying and assisting the listing or delisting of buildings and reviewing our conservation areas to ensure they are fit for purpose. A review of conservation areas has led to the expansion of Old Aberdeen Conservation Area.

Object to Policy

85: The principle to retain all granite buildings within the City is the same approach as is currently adopted in the extant Local Development Plan 2012 (Policy D4). The first line of Policy D4: Aberdeen’s Granite Heritage within the extant Plan is, “The City Council will encourage the retention of granite buildings throughout the city even if not listed or in a conservation area”. This principle has not changed with the Proposed Plan. The requirement to remove the SHEP test reference from the Policy and set this out in the supporting text is not supported. The SHEP tests are national guidance, and the Council will be adhering to these, therefore they are best placed in

the Policy. The principle to reuse granite material when retention and reuse of the feature, building or structure is unviable will not be removed. The principle of the Policy is to retain the distinctive material of Aberdeen, granite, preferably in situ and if this proves unviable then retain on site by use on building elevations, within landscaping and as boundary treatments.

Reporter's conclusions:

Reporter's recommendations:

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| Issue 20 | POLICY NC1, NC2 & NC3: CITY CENTRE AND WEST END RETAIL | |
| Development plan reference: | Pages 26 - 27, Proposals Maps | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Mr Alasdair Morrison of GVA James Barr on behalf of F&C REIT Asset Management (87)</p> <p>Mr Ross Anthony of The Theatres Trust (92)</p> <p>Mr Mike Williams of c/o Scott Hobbs Planning on behalf of Scottish Enterprise (120)</p> <p>Mr Dominic Fairlie of Aberdeen Civic Society (136)</p> <p>Miss Samantha Jackson of CBRE Ltd on behalf of John Lewis (139)</p> <p>Mr Matthew Williams of Savills UK Ltd on behalf of Tiger Aberdeen (Jersey) Ltd (Ellandi LLP) (140)</p> <p>Ms Catherine Thornhill of Savills (UK) on behalf of Hammerson plc (158)</p> <p>Mr Simon Pallant of Scottish Government Planning and Architecture Division (164)</p> | | |
| Provision of the Development Plan to which the issue relates: | Sets out the vision for the city centre, Union Street and the West End | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy NC1: City Centre Development – Regional Centre</p> <p><u>General Support</u></p> <p>120, 139, 140: Support for Policy.</p> <p>120: Welcome the introduction of clear Policies that support the development of town centres.</p> <p>139: Respondent supports this Policy and the Council's strategy to promote development in the city centre. This supports the town centres first principle, which reflects the direction of Scottish Planning Policy. Respondent supports the Council's intention for the city centre to be the preferred location for retail, commercial, leisure and other significant footfall generating development. The town centre first principle applies as much to leisure, entertainment, office and civic uses as retail. Such uses help to enliven the city centre and create a strong day time working population which will in turn support the retail function of the city centre. Restaurant and leisure uses also help to support a diverse evening economy, attracting visitors and bringing money into the city centre. The Council should continue to champion a strong town centre first approach when dealing with out of centre development. This is vital if the right conditions for city centre investment are to be established.</p> <p><u>Proposals Map/Omission of Sites</u></p> <p>87: Policy identifies four specific locations for retail development. These allocations</p> | | |

are not identified on the Proposals Map.

87: A number of references are made to the significance of the City Centre Masterplan but the Policy does not include some of the sites referred to in the Masterplan as having potential for new retail floorspace.

87: Object to omission of St Nicholas Centre as a potential retail allocation.

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

Sequential Assessment - Business

120: Supportive of the Proposed Plan's intention to encourage the inclusion of all uses which are appropriate to town centres. There needs to be explicit reference to hotel and office development in the city centre given the beneficial impacts that they have on the economy. Respondent attempts to ensure that town centres are the location to be considered first for many forms of development but for the avoidance of doubt this should not be to the detriment of employment uses referred to in Policy B1. There should be a clear supportive policy background for economic development. Respondent requests that consideration is given to specific wording of the Policy to ensure that it will achieve the desired aim of town centre development without unnecessary constraint. Concern that the requirements of NC1 (and associated Supplementary Guidance) are insufficiently clear in relation to its requirements for sequential assessment other than for retail development. There is no other similar Policy elsewhere upon which reliance can be placed.

120: Respondent requests consideration be given to reword the Policy, supporting text (paragraph 3.25) and Supplementary Guidance to provide more information to support the policy and ensure any assessment is robust and to clearly define how the Policy and Supplementary Guidance will work in practice.

120: Further guidance is required on the type and size of office, business, commercial and leisure uses which are expected to locate in town centres, car parking and accessibility requirements, the type of 'tests' which will be required and how other sites can or cannot be differentiated as being 'appropriate'.

120: There should be no constraint in principle to development on existing and allocated B1, B2, B3 and B4 sites and associated Opportunity Sites. There should be no need to address the sequential assessment under NC1 and Supplementary Guidance if such a requirement is retained in the Aberdeen Local Development Plan. Clarification should be included in Policy NC1 to provide certainty as it may be difficult to implement the business and employment allocations to the detriment of economic and employment growth. The employment allocations have been justified in accordance with the Strategic Development Plan. It is unnecessary and counterproductive to the various employment allocations to introduce an additional

level of assessment.

Analysis of Longer Term Opportunities

140: Respondent queries whether analysis has been undertaken to establish if the opportunities identified will be able to accommodate the scale of assessed need for the city centre within the timescales. OP81 is no longer identified for substantial retail development. Ensuring that need can be met within sustainable locations will ensure that harmful out of centre development cannot be allowed to come forward.

Respondent queries whether an assessment of floorspace requirements beyond 2022 and up to 2035 has been undertaken and whether longer term opportunities identified are capable of meeting this need.

Policy NC2: City Centre Retail Core and Union Street

Support

158: Supports the policy provision of directing major retail developments to the Retail Core, which must be protected for retail development in the city and wider North East. It is important that NC2 recognises the City Centre Masterplan to reinforce the Council's aspiration that a long-term masterplan is with a linked funding and delivery mechanism.

87: Support the spatial designation of the Retail Core.

158: Respondent supports criterion 2a) regarding proposals for Change of Use.

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

City Centre vs Out of Centre

136: This Policy states that the City Centre Retail Core is the preferred location for retail developments. This should not mean that areas outside of the centre that could benefit from additional retail and commercial development that contribute towards making a balanced and mixed use settlement should be turned down just because there is not a suitable site in the City Centre. This should be given more strength by being included as part of the Policy.

Upper Floors of Existing Buildings/ Change of Use

136: NC2 refers to Change of Use from retail to other uses and lists how it may be acceptable. This list should be used to encourage the use of upper floors in existing buildings. It should make clear that any proposal which involves bringing upper floors back into use will be supported. It is better to have them in use than lying empty

waiting for a retail site.

140: Concerned that the policy is unreasonably onerous and conflicts with Scottish Planning Policy (SPP) which encourages a mix of uses in town centres to support vibrancy throughout the day and into the evening. Particularly concerned with criteria (c). This has the potential to stifle Changes of Use, including the change of use from Class 1 (Retail) to Class 3 (Food and Drink) which can positively contribute to the vibrancy and vitality of town centres and increase shopper dwell time. Urge the Plan to incorporate more flexible policies in connection with Changes of Use in the Core Retail Area.

Clustering of Uses

164: Scottish Planning Policy provides that Plans should include Policies to prevent over-provision and clustering of some non-retail uses (such as betting offices and high-interest money lending premises) where there are concerns about the clustering of these uses. Policy NC2 includes criteria that a Change of Use may be acceptable where "the new use does not create clustering of a particular use in the immediate vicinity". Clusters are not in themselves always a negative and may indeed given an area its distinctiveness. The key point in Scottish Planning Policy is about where clustering would undermine the character and amenity of centres of the wellbeing of communities. Policy should be amended to explicitly include wording that refers to the negative effects of clustering of particular uses so that this can be fully taken account of in decision making.

Policy NC3: West End Shops and Cafes

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

136: NC3 refers to Change of Use from retail to other uses and lists how it may be acceptable. This list should be used to encourage the use of upper floors in existing buildings. It should make clear that any proposal which involves bringing upper floors back into use will be supported. It is better to have them in use than lying empty waiting for a retail site.

164: Scottish Planning Policy provides that Plans should include Policies to prevent over-provision and clustering of some non-retail uses (such as betting offices and high-interest money lending premises) where there are concerns about the clustering of these uses. Policy NC3 includes criteria that a Change of Use may be acceptable where "the new use does not create clustering of a particular use in the immediate vicinity". Clusters are not in themselves always a negative and may indeed given an area its distinctiveness. The key point in Scottish Planning Policy is about where clustering would undermine the character and amenity of centres of the wellbeing of communities. Policy should be amended to explicitly include wording that refers to the negative effects of clustering of particular uses so that this can be fully taken account of in decision making.

Paragraph 3.25

120: Request consideration be given to reword the Policy, supporting text and Supplementary Guidance to provide more information to support the Policy and ensure any assessment is robust and to clearly define how the Policy and Supplementary Guidance will work in practice.

Modifications sought by those submitting representations:

Policy NC1: City Centre Development – Regional Centre

Proposals Map/Omission of Sites

87: The four sites set out in the Policy should be identified on the City Centre Proposals Map.

References to Culture

92: NC1 should be expanded to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Sequential Assessment – Business

120: Amend the Policy text (amendment in capital letters). Development within the city centre must contribute towards the delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan and Delivery Programme. As such the city centre is the preferred location for retail, OFFICE, HOTEL, OTHER commercial, leisure and other significant footfall generating development serving a city-wide or regional market. Proposals for new retail, OFFICE, HOTEL, OTHER commercial, leisure and other significant footfall generating development shall be located in accordance with the sequential approach referred to in this section of the Plan and in Supplementary Guidance detailed below, OTHER THAN BUSINESS AND EMPLOYMENT DEVELOPMENT TO BE LOCATED UNDER POLICIES B1, B2, AND B3 OR B4, AND ASSOCIATED OP LAND.

Policy NC2: City Centre Retail Core and Union Street

References to culture

92: NC2 should be expanded to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Upper Floors of Existing Buildings/Change of Use

164: Amend criterion 2e to read: "the new use does not create overprovision and/or

clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre or the well-being of communities; and"

Policy NC3: West End Shops and Cafes

References to Culture

92: NC3 should be expanded to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Clustering of Uses

164: Amend criterion 4 to read: "the new use does not create overprovision and/or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre or the well-being of communities; and"

Paragraph 3.25

120: Amend text as follows: After "in accordance with this hierarchy.." insert "other than for business use proposed on existing or allocated land under policies B1, B2, B3 or B4, and associated OP land".

Summary of response (including reasons) by planning authority:

Policy NC1: City Centre Development – Regional Centre

Proposed Plan Policy NC1 has been carried forward from the extant Aberdeen Local Development Plan 2012 (CD42) with no fundamental changes. The content of this policy was examined at the Aberdeen Local Development Plan 2012 Examination under Issue 88 (CD44).

General Support

120, 139, 140: Support is noted and welcomed. The Local Development Plan will continue to focus new retail, commercial, leisure and other appropriate uses in the City Centre in accordance to the sequential approach.

139: The Council is committed to supporting the town centre first approach through Policy NC1 reflecting Scottish Planning Policy (SPP) paragraphs 60 and 68 (CD05). Aberdeen City Council acknowledges that it is important to encourage different uses in town centres such as retail and leisure, community and cultural facilities, as these support the centre's vibrancy, vitality and viability. It will therefore continue to promote a town centre first approach for uses which attract significant numbers of people.

Proposals Map/Omission of Sites

87: The four mentioned sites: Marischal Square, Crooked Lane/George Street, Aberdeen Market and Upper/Basement Floors 73-149 Union Street are included in the City Centre Proposals Maps as OP91, OP102, OP67 and OP96 respectively.

References to Culture

92: Aberdeen the Smarter City (RD32) sets out the vision for Aberdeen City Council's coalition administration until 2017. The vision is for Aberdeen to be an ambitious, achieving smart city. One of the priorities is to "ensure that Union Street regains its position as the heart of the city and move cultural activity centre-stage through re-invigorated cultural leadership". The Proposed Plan is a land use plan which supports the development of quality places which sustain and enhance the social, economic, environmental and cultural attractiveness of the city, as outlined in paragraphs 3.1, 3.2, 3.18, Proposed Plan Policy D1 and the six qualities of successful Placemaking.

Aberdeen City Council also has a Cultural Strategy: Vibrant Aberdeen (RD33) which identifies a number of objectives, key requirements, actions and outcomes for the city from 2010 – 2015. More recently the City Centre Masterplan and Delivery Programme (CCMP&DP) (CD33) calls for the city centre to be "culturally distinctive" and ensure the city centre reflects distinctive local culture.

It is not considered necessary to expand Proposed Plan Policy NC1 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan. Reference should also be made to Issue 16 which also discusses this matter.

Sequential Assessment - Business

120: In line with Scottish Planning Policy (paragraphs 60 and 68), the Proposed Plan supports a town centre first approach to retail, commercial and leisure development. Office developments are encouraged into or close to the city centre and a specific West End Office Area has been identified (Proposed Plan Policy B3 which promotes/encourages uses including hotels and offices) along with an area of Specialist Employment Land to the south of Union Square around Poynerook. The proposed plan, paragraph 3.58, recognises the contribution that hotels can have on the city's employment areas. Sites and areas have been identified, through the Proposed Plan City Wide Proposals Map (CD23), and further detail provided in Appendix 2, where employment and mixed use is acceptable in principle. However, demand for city centre locations is high and space is limited and in order to accommodate anticipated business growth, the Strategic Development Plan (CD12, Figure 1, page 12) requires significant employment land allocations to be identified. These are mainly concentrated in Bridge of Don, Dyce and the Airport, Kingswells and Altens. Although these are peripheral to the urban area of Aberdeen, they serve a much wider catchment that extends well into Aberdeenshire.

The Proposed Plan, through its business and network of centres policies and associated Supplementary Guidance provide a robust policy framework to ensure the appropriate location of uses throughout the network of centres, allocated sites and landuse zones. Proposed Supplementary Guidance (SG) "Hierarchy of Centres"

(CD25) provides the context for the assessment of new development proposals. The Hierarchy of Centres SG details the type of uses supported in the different centre types e.g City Centre - support all retail, commercial, leisure and other significant footfall generating developments serving a city-wide or regional market. Hotels and offices are likely to serve a city-wide or regional market. Proposed Policy NC4 Sequential Approach and Impact provides further policy detail pertaining to the assessment of significant footfall generating development.

The employment allocations identified through the Strategic Development Plan have been fully met in the proposed Proposed Plan. An employment proposal on land zoned for employment use would not be subject to additional assessment under NC1. An Opportunity Site designation or zoning establishes the type of use acceptable on the site/area, with Appendix 2 providing further information pertaining to usages acceptable on the OP sites.

In light of the robust policy framework detailed above it is not considered necessary to expand upon Policy NC1 or the supporting text at paragraph 3.25.

Analysis of Longer Term Opportunities

140: The updated Aberdeen City and Aberdeenshire Retail Study 2013 (CD16 (pages 14 and 57-59)) did not identify any quantitative deficiency of convenience retailing other than in some of the larger expansion areas identified around Aberdeen. These deficiencies have been addressed through allocation in these expansion areas. Paragraph 3.28 of the Proposed Plan highlights retail deficiencies identified in the Aberdeen City and Aberdeenshire Retail Study 2013. The Study took "committed retail opportunity" into account when considering whether additional sites required to be identified. The Retail Study already assesses retail opportunity beyond the lifetime of the Proposed Plan. However, retailing is an industry that can be subject to rapid changes. Retail supply and demand is reliant on the market and overall health of the economy and as such any long term assessment beyond which has already been undertaken would not provide sufficient certainty or reliability. It is likely that further retail studies will be undertaken to inform subsequent Local Development Plans. OP81 is no longer identified for substantial retail development following responses received to the Main Issues Report (RD40 Issue 8).

Policy NC2: City Centre Retail Core and Union Street

Support

87, 158: Support is noted and welcomed.

References to Culture

92: Please see response to same issue as per response to NC1. As discussed above, it is not considered necessary to expand Policy NC2 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan.

City Centre vs Out of Centre

136: In line with Scottish Planning Policy, the Proposed Plan supports a town centre first approach to retail, commercial and leisure development. It is therefore true that Policy NC2 states that the city centre retail core is the preferred location. However Policy NC2 also provides criteria for assessing proposals for retail within the city centre (but outwith the retail core). Furthermore Policy NC1 and associated Supplementary Guidance provides detail pertaining to the hierarchy of centres and the sequential assessment for proposals. In line with Scottish Planning Policy a sequential approach will be used when selecting locations for uses which generate significant footfall including retail. The locations will be considered through a hierarchy of centres which has been set out in Proposed Supplementary Guidance "Hierarchy of Centres". The detail requested by the respondent is therefore already covered in policy.

Upper Floors of Existing Buildings / Change of Use

136: It is agreed that upper floors of Union Street would be better being used than lying empty. A specific allocation has been identified at OP96 to encourage retail uses in the upper/basement floors of 73-149 Union Street. One of the themes of the City Centre Masterplan and Delivery Programme (CCMP&DP) - A City for People (Pages 38 - 41) - involves improving the retail environment and the occupation of upper floors forms part of this. It is expected that site specific developments within the City Centre Masterplan and Delivery Programme will be further worked up by the City Centre Masterplan Team, and these will then feed into future Aberdeen Local Development Plans.

140: In line with Scottish Planning Policy, the Proposed Plan supports a town centre first approach to retail, commercial and leisure development. In response to comments received to the Main Issues Report it was recognised that there needed to be more flexibility regarding Union Street Frontages. Details of the flexibility are published in the "Union Street Frontages" Proposed Supplementary Guidance (SG) (CD25). Proposals to enhance the vitality and viability of Union Street will be supported, however all proposals for Change of Use must enhance or adequately maintain daytime vitality and an active street frontage. The Union Street Frontages proposed SG aims to maintain an appropriate mix and location of shopping, service and commercial leisure functions on Union Street within the Retail Core. It does this by applying minimum percentages of ground floor retail frontage that are required in individual sectors of Union Street. However there will be a greater degree of flexibility with the Proposed SG on proposals for Change of Use from Class 1 (retail) to Class 3 (food and drink). Additionally, and as a change from the extant Local Development Plan, the west end of Union Street has been rezoned to Mixed Use to encourage a wider range of uses – as shown on the Proposed City Centre Proposals Map (CD22). The Proposed Plan and associated Proposed Supplementary Guidance therefore already provide a robust policy framework to enhance the vitality and viability of Union Street (and wider city centre retail core). The Council does not support any relaxation to the Policy when flexibility is already accounted for within the associated Supplementary Guidance.

Clustering of Uses

164: In line with Scottish Planning Policy (paragraph 67) the Proposed Plan has included Policies and Supplementary Guidance (Harmony of Uses) (CD25) to support an appropriate mix of uses. Additional policy provision has been added in the form of criterion 2e) (as per paragraph 67 of SPP) to prevent over-provision and clustering of particular activities which would undermine the character and amenity of centres or the well-being of communities. The Respondent seeks to ensure that it is the negative aspect of clustering of particular uses that is taken into account when assessing proposals for Changes of Use. Criterion 2e) of Policy NC2 is one of six criteria which will be used to assess the suitability of proposals for Changes of Use away from retail within the City Centre Retail Core. All criterion need to be satisfied and so negative ramifications such as sensitive amenity issues will be assessed under all criterion. In recognition of the distinctiveness of place and building upon the West End Office Area Policy, the Proposed Plan has introduced a new Policy supporting independent retail and cafes in the West End (NC3). The same level of protection will be afforded, but specialist shops, cafes and offices will be encouraged. In these areas, clusters of particular uses have been identified and supported. It is appreciated that clusters are not always a negative. It is not considered necessary to add additional detail to criterion e) when the detail requested by the Respondent is already sufficient covered in the other five criterion, in other Proposed Plan Policy (specifically Policy D1: Quality Placemaking by Design and the six qualities of successful Placemaking) and in associated Proposed Supplementary Guidance.

Policy NC3: West End Shops and Cafes

References to Culture

92: Please see response to same issue as per response to NC1 and NC2. As discussed above, it is not considered necessary to expand Policy NC3 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan.

Change of Use

136: Please see response to same issue as per response to NC2.

Clustering of Uses

164: Please see response to same issue as per response to NC2. As discussed above, it is not considered necessary to add additional detail to criterion 4) when the detail requested by the Respondent is already sufficiently covered in the other five criterion, in other Proposed Plan Policy (specifically Policy D1: Quality Placemaking by Design and the six qualities of successful Placemaking) and in associated Proposed Supplementary Guidance.

Paragraph 3.25

120: Please see response to same issue as per response to NC1. In light of the robust policy framework detailed above it is not considered necessary to expand upon Policy NC1 or the supporting text at paragraph 3.25.

Reporter's conclusions:

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Reporter's recommendations:

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| Issue 21 | POLICY NC4, NC5, NC6, NC7, NC8 & NC9: SUPPORTING RETAIL CENTRES | |
| Development plan reference: | Page 28-31, Proposals Map | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Mr John Handley of John Handley Associates on behalf of Standard Life Assurance Ltd (34)</p> <p>Mr John Findlay of Ryden LLP on behalf of European Development Holdings Limited (58)</p> <p>Mr Alasdair Morrison of GVA James Barr on behalf of F&C REIT Asset Management (87)</p> <p>Mr Fraser Littlejohn of Montagu Evans LLP on behalf of Zurich Assurance Limited (88)</p> <p>Mr Alasdair Morrison of GVA James Barr on behalf of Leto Limited (89)</p> <p>Mr Ross Anthony of The Theatres Trust (92)</p> <p>Mr Chris Pattison of Turnberry Planning Ltd on behalf of The Grandhome Trust (101)</p> <p>Mr Mike Williams of Scott Hobbs Planning on behalf of Scottish Enterprise (120)</p> <p>Mr Steven Robb of GVA James Barr on behalf of Aldi Stores Ltd (130)</p> <p>Mr Dominic Fairlie of Aberdeen Civic Society (136)</p> <p>Miss Samantha Jackson of CBRE Ltd on behalf of John Lewis (139)</p> <p>Mr Matthew Williams of Savills UK Ltd on behalf of Tiger Aberdeen (Jersey) Ltd (Ellandi LLP) (140)</p> <p>Ms Catherine Thornhill of Savills (UK) on behalf of Hammerson plc (158)</p> <p>Mr Simon Pallant of Scottish Government Planning and Architecture Division (164)</p> | | |
| Provision of the Development Plan to which the issue relates: | Outlines the hierarchy of centre and encourages retail use in appropriate locations. | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy NC4: Sequential Approach and Impact</p> <p><u>Support</u></p> <p>58, 101, 120, 130, 136, 139, 140: Support the Policy and the recognition of Commercial Centres.</p> <p><u>Commercial Centre</u></p> <p>88: Accept the premise that, "all significant footfall generating development appropriate to town centres should be located in accordance with the hierarchy and sequential approach". Welcome the identification of Kittybrewster Retail Park as a Commercial Centre.</p> <p>The Policy is inconsistent with paragraphs 24, 27, 68 and 69 of Scottish Planning</p> | | |

Policy. The Policy suggests certain proposals are precluded in certain locations. SPP does not preclude uses which generate significant footfall within commercial centres.

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration

New Communities

101: Designating centres outwith the city centre are important to help create sustainable mixed communities. Phase 2 of Grandhome will serve as a Town Centre for the Grandhome development as well as the wider Bridge of Don area.

Business and Sequential Approach

120: There will be no need for the sequential assessment for office and business developments if they are to be located in B1, B2, B3, B4 sites and this should be made explicit.

Site Specific

130: Support for the Policy is put into practice through the intention on to locate at the proposed Cornhill Neighbourhood Centre.

Policy Content

139, 140: This Policy should also apply for Change of Use and amendments to extant Planning Permission. Permitting new development in out of town centre locations will be detrimental. This would ensure all changes to provision are properly tested in terms of their contribution to vitality and viability.

Policy NC5: Out of Centre Proposals

Support

87, 120: Support there is no very large single retail unit allocation. Also support that no other out-of-centre retail allocations are made other than those associated with and ancillary to large scale new residential communities.

Object

89: Object to the Policy as it does not offer a list of proposed out of centre retail allocations in Appendix 2, as it does for City Centre proposals.

There is insufficient certainty offered as to where additional retail capacity should be located. The Plan should identify specific sites. The city centre may not be able to

accommodate the forecasted retail capacity.

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

Business and Out of Centre Proposals

120: There will be no need for the sequential assessment for office and business developments if they are to be located in B1, B2, B3, B4 sites and this should be made explicit.

Policy Content

139: Out-of-centre developments will have the most adverse impact on city centre developments. Out-of-centre developments should be required to provide an impact assessment for developments over 2,500 square metres and which are not in accordance with the Development Plan. Explicit reference could be made about the need to carry out an Impact Assessment to ensure that the proposal, either individually or cumulatively, will have no impact.

140: This Policy and NC4 could be merged. Perth and Kinross Local Development Plan Policy RC4 provides far more clarity and could be used as a template.

Policy NC5 should be used to test OP65 - Haudagain Triangle before it can be allowed to come forward. Unclear whether this site is intended to meet the retail floorspace requirements identified and what type of need this retail park is intended to meet.

Policy NC6: Town, District, Neighbourhood and Commercial Centres

Support

130: Support this Policy.

Site Specific

34: Respondent welcomes identification of Denmore Road as an important retail centre, zoned as Commercial Centre. The area has potential to become a new centrally-located 'District Centre'.

34: Respondent welcomes identification of the Boulevard Retail Park as an important retail centre, zoned as Commercial Centre. The area has potential to become a new centrally-located 'District Centre',

130: Policy will ensure protection of retail at Cornhill Shopping Arcade and reflects

the long term use of this location. Forthcoming Aldi proposal in this area welcomes the Policy.

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

Policy Content

136: Policy should encourage more than just retail. Office or other commercial use adds 24-hour vitality to an area. These are locating in Queen's Road and Carden Place which were previously residential; it is becoming more commercial than mixed use. Use some of the space in existing town or neighbourhood centres to be available for small and medium size offices.

Supporting Text

158: The requirement for applicants to provide evidence regarding Change of Use, as outlined in paragraph 3.29 should be deleted. The information is often commercially sensitive and negative statements could undermine the vitality of the area in which it is located.

Clustering of Uses

164: Scottish Planning Policy provides that Plans should include policies to prevent over-provision and clustering of some non-retail uses (such as betting offices and high-interest money lending premises) where there are concerns about the clustering of these uses. Policy includes criteria that a Change of Use may be acceptable where "the new use does not create clustering of a particular use in the immediate vicinity". Clusters are not in themselves always a negative and may indeed given an area its distinctiveness. The key point in SPP is about where clustering would undermine the character and amenity of centres of the wellbeing of communities. Policy should be amended to explicitly include wording that refers to the negative effects of clustering of particular uses so that this can be fully taken account of in decision making.

Policy NC7: Local Shop Units

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

Policy NC8: Retail Development Serving New Development Areas

Support

87, 136: Support the Policy and the requirement for retail developments which serve a wider area be subject to a sequential test and Retail Impact Assessment.

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

Policy Content

136: Policy should include space for office and leisure developments also as this will add to the vitality of the area.

Policy NC9: Beach and Leisure

Support

34: Support the recognition of the beach as a major leisure development, the rezoning from Urban Green Space to Beach and Leisure, and the restriction of further retail development. Support the suggested Masterplan for the beach.

References to Culture

92: The Local Development Plan should contain more references to culture. The Plan should ensure that all residents and visitors have access to cultural opportunities. Policies that support and enhance cultural facilities and activities can be used as a catalyst for wider cultural development and city regeneration.

Modifications sought by those submitting representations:

Policy NC4: Sequential Approach and Impact

Commercial Centre

88: The Local Development Plan should refine Policy NC4 to better and more straightforwardly reflect the requirements of Scottish Planning Policy.

References to Culture

92: Expand NC4 to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into

the evening.

Business and Sequential Approach

120: Preamble paragraph 3.25- Add the following text to the end of the paragraph: "other than for business use proposed on existing or allocated land under policies B1, B2, B3 and B4, and associated OP land".

Policy- Add the following text- paragraph 2 first sentence: "all significant footfall generating development appropriate to town centres, other than those proposed on B1, B2, B3 or B4 and associated OP land... Paragraph 3 opening text In these circumstances, p.."

Policy Content

139: Policy should be strengthened to ensure that any proposal in Commercial Centres has to demonstrate it will not have significant adverse impact on other city/town centres, or future strategies for enhancing the vitality and viability of the city centre, by providing an impact assessment.

Included criteria requiring the proposal to address a qualitative or quantitative deficiency within the catchment area and a restriction on the type of goods that can be sold in commercial centres locations.

140: Request that the Policy is more explicit in its requirements to undertake Retail Impact Assessment for Commercial Centres which would apply to proposals for extensions, Changes of Use and proposals to modify planning obligations and other planning controls.

The Policy should be amended to reflect Scottish Planning Policy where planning authorities have the discretion to advise when Retail Impact Assessment is necessary for smaller retail and leisure proposals.

Policy NC5: Out of Centre Proposals

References to Culture

92: Expand NC5 to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Business and Out of Centre Proposals

120: Add text to paragraph 1: "All significant footfall generating development appropriate to designated centres other than development on B1, B2, B3 or B4 and OP land..."

Policy Content

139: The following text may be added to the second bullet point in Policy NC5: "An impact assessment has been undertaken ... which demonstrates that there will be no adverse effect on the vitality or viability of any centre listed in the Hierarchy of Centres ... either individually or cumulatively."

Policy NC6: Town, District, Neighbourhood and Commercial Centres

Site Specific

34: Request that Denmore Road Retail Park is designated as a 'District Centre', acknowledging its existing place in the retail hierarchy and potential for further improvement and expansion to meet the identified retail needs for a wider catchment area.

34: Identify the Boulevard Retail Park as a District Centre.

References to Culture

92: Expand NC6 to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Commercial Centre

158: Amendment of the supporting text to delete the requirement in paragraph 3.29 to provide evidence that the property has been actively marketed for six months or more, and a statement from prospective occupiers explaining why the property is unsuitable for retail use.

Clustering of Uses

164: Amend Policy to read: "the new use does not create overprovision and/ or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre or the well-being of communities; and"

Policy NC7: Local Shop Units

References to Culture

92: Expand NC7 to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Policy NC8: Retail Development Serving New Development Areas

References to Culture

92: Expand NC8 to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into

the evening

Policy NC9: Beach and Leisure

References to Culture

92: Expand NC9 to ensure it maintains, encourages and supports cultural uses in key centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Summary of response (including reasons) by planning authority:

National Planning Framework 3 (CD04) reflects the importance of town centres as a key element of the economic and social fabric of Scotland. Scottish Planning Policy (CD05) paragraph 60 reflects the importance of a town centre first approach when planning for uses which attract significant numbers of people, encourage a mix of uses, support successful town centres and consider opportunities for promoting residential use. This approach has been principal in developing the 'NC' policy principles. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) (CD12) paragraph 4.2 states, "a sequential approach will be taken to identifying sites for new retail development across the strategic development plan area".

Policy NC4: Sequential Approach and Impact

Support

58, 101, 120, 130, 136, 139, 140: The support for the Policy is welcomed. The Proposed Plan will continue to focus new retail, commercial, leisure, and other appropriate uses in accordance with the sequential approach.

Commercial Centres

88: We welcome the support for the identification of the site as a Commercial Centre. The Respondent has argued that the Policy is inconsistent with Scottish Planning Policy, as it will preclude certain significant footfall generating development from certain locations. As no specifics are outlined it is unclear which section of the Policy the comment is directed to. Proposed Plan Policy NC4 outlines a sequential approach will be required for assessing significant footfall developments. Specific reference to Commercial Centres is mentioned in paragraph 8 of the Policy, "Proposals for bulky goods shall only be located in a commercial centre if a suitable site is unavailable in the first, second or third tiers of the hierarchy". This is not limiting the location of bulky good to Commercial Centres but is saying, following a town centre first approach, that bulky good are preferred in the First, Second or Third Tier and will only be permitted in Commercial Centres if there is no suitable location within the earlier Tiers.

The final paragraph of the Policy does outline there will be a restriction imposed on the amount of comparison good floorspace allowed within convenience shopping

development outside the city centre and other town centre. The principle of the retail policies is to ensure retail uses are protected and supported within the five Tiers outlined in the Hierarchy of Centres, which will include ensuring there is a mix of uses to ensure vibrancy, vitality and viability. An overprovision or clustering of comparison goods within convenience shopping developments of Tiers 3, 4 and 5 could have a detrimental impact on these retail areas in terms of vibrancy, vitality and viability.

Reference to Culture

92: Aberdeen - the Smarter City (RD32) sets the vision for Aberdeen City Council's coalition administration until 2017. The Vision is for Aberdeen to be an ambitious, achieving smart city. One of the priorities is to "ensure that Union Street regains its position as the heart of the city and move cultural activity centre-stage through re-invigorated cultural leadership". The Proposed Plan is a land use plan which supports the development of quality places which sustain and enhance the social, economic, environmental and cultural attractiveness of the city, as outlined in paragraphs 3.1, 3.2, 3.18, Proposed Policy D1 and the Six Qualities of Successful Placemaking.

Aberdeen City Council also has a Cultural Strategy: Vibrant Aberdeen (RD33) which identifies a number of objectives, key requirements, actions and outcomes for the city from 2010-2015. More recently the City Centre Masterplan and Delivery Programme (CCMP&DP) (CD33) calls for the city centre to be "culturally distinctive" and ensure the city centre reflects distinctive local culture.

It is not considered necessary to expand the Policy to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan. Reference should also be made to Issue 16 which also discusses this matter.

New Communities

101: We agree that designated centres outwith the city centres are important to create sustainable mixed communities as is outlined in paragraph 3.27 of the Proposed Plan. Grandhome (OP9) has been rolled forward in the Proposed Plan from the extant Local Development Plan 2012 (CD42), and we intend to roll forward the [Grandhome Development Framework](#) for this site as Supplementary Guidance to the Proposed Plan upon its adoption. Policy NC8 specifically addresses retail development serving new development areas. The designation of the site as a town, district or neighbourhood centre will be agreed once it has been built, and is in operation. It is recognised that Phase 2 of the Grandhome site is expected to be delivered beyond 2018 ([Grandhome Development Framework](#)).

Business and Sequential Approach

120: In line with Scottish Planning Policy (CD05), the Proposed Plan supports a town centre first approach to retail, commercial and leisure development. Office developments are encouraged into or close to the city centre and a specific West End Office Area (Proposed Plan Policy B3) has been identified, along with an area of

Specialist Employment Land to the south of Union Square around Poynerook.

Sites and areas have been identified, through the Proposals Map and further detail provided in Appendix 2, where employment and Mixed Use is acceptable in principle. Demand for city centre locations is high and space is limited and in order to accommodate anticipated business growth, the Strategic Development Plan (CD12) requires significant employment land allocations to be identified. These are mainly concentrated in Bridge of Don, Dyce and the Airport, Kingswells and Altens. Although these are peripheral to the urban area of Aberdeen, they serve a much wider catchment that extends well into Aberdeenshire.

The principle of business use is established in areas zones as B1: Business and Industry and B2: Specialised Employment Land. Within the B3: West End Office Area there is a principle of maintaining a balance between protecting the historic environment and allowing office development in the area, while B4: Aberdeen Airport supports the development of airport compatible uses.

As discussed in Issue 1, we contend that the employment allocations identified through the Strategic Development Plan have been fully met in the Proposed Plan. Compatible proposals on land zoned or identified for a particular use would not be subject to additional assessment under Proposed Plan Policy NC4 (for example employment uses on employment land). An Opportunity Site or zoning establishes the type of use acceptable on the site/area with Appendix 2 providing further information pertaining to usages acceptable on the Opportunity Sites.

In light of the robust policy framework detailed above it is not considered necessary to expand upon Policy NC4 or the supporting text at paragraph 3.25

Site Specific

130: The detail of the proposal regarding an Aldi at the Cornhill Neighbourhood Centre is subject to a pending planning application ([151113](#)).

Policy Content

139: Commercial Centres are identified within paragraphs 61 and 63 of Scottish Planning Policy (CD05) as being part of the Network of Centres, and are those with a more specific focus. Within the Proposed Supplementary Guidance document, Hierarchy of Centres (CD25), which sits alongside and gives more detail on the Policy, Figure 1: Retail Hierarchy and Sequential Approach says that Commercial Centres support the large bulky goods and comparison shopping only. The Proposed Supplementary Guidance also provides, in Figure 2: Sequential Approach Thresholds, further information on the hierarchy and where Commercial Centres are located within this hierarchy with regard to differently sized convenience developments, differently sized general comparison and differently sized bulky goods. In all situations, Commercial Centres are located close to the bottom of this hierarchy.

Paragraph 10 of the Proposed Plan outlines that vitality and vibrancy are paramount, "In all cases, proposals shall not detract significantly from the vitality and viability of

any centre listed in the Supplementary Guidance, and shall accord with all other relevant policies in the Plan...”

Therefore, there is no requirement to add text to the Policy outlining “any proposal in commercial centres has to demonstrate it will not have significant adverse impact on other city/town centres, or future strategies for enhancing the vitality and viability of the city centre, by providing an impact assessment”.

The Proposed Supplementary Guidance also states that there is support for large bulky goods and comparison only in Commercial Centres, and this applies when city centre/town centre sites are not available. There is no requirement for including criteria requiring the proposal to address a qualitative or quantitative deficiency within the catchment area and a restriction on the type of goods that can be sold in Commercial Centres locations. The last paragraph of the Policy restricts the amount of comparison goods floorspace allowed within convenience shopping development outside the city centre or other town centres.

139, 140: The Council has adopted a strong town centre approach. We agree that permitting new development in out- of-town centre locations will degrade the town centre first approach. With regard to applying the policy to Change of Use proposals, there is a separate Policy within the Proposed Plan, Policy NC6: Town, District, Neighbourhood and Commercial Centres, which states that retail is the preferred use within these Centres, and that Change of Use from retail will only be permitted in certain circumstances. Paragraph 3.29 of the Proposed Plan outlines that Change of Use proposals need to provide evidence that the property has been actively marketed for six months or more and should provide a statement(s) from prospective occupiers explaining their reasons for the property being unsuitable for retail use. In addition, Policy NC5: Out of Centre Proposals states that out-of-centre proposals will only be permitted in certain circumstances. Therefore there is no reason to modify the Policy to take account of Change of Use as the principle of this is covered in Proposed Plan Policy NC6. The ‘NC’ policies provide a strong framework for retaining retail in the defined centres. The Policy applies to proposals to extend existing developments; therefore amendments to extant planning permissions are already expected to conform to this Policy.

The requirement to undertake a Retail Impact Assessment (RIA) for smaller retail and leisure proposals which may have a significant impact on vitality and viability is at the discretion of Officers within the Council’s Development Management Team, as is outlined in paragraph 71 of SPP.

Policy NC5: Out of Centre Proposals

Support

87, 120: The support for the Policy is welcomed.

Object

89: The over-riding principle with the ‘NC’ policies to create a town centre first approach, as is outlined by Scottish Planning Policy, and to support the hierarchy of

centres. Out-of-centre developments are contrary to this principle, therefore there is a presumption they will be refused unless proposals satisfy the criteria outlined within Policy NC5, alongside other local, national and regional policy and guidance. Therefore, out-of-centre proposals will not be mapped. The Retail Core, District Centres, Town Centres, Neighbourhood Centres and Commercial Centres are mapped as they form the Hierarchy of Centres where retail is expected to be located.

There are specific sites identified with the Proposed Plan for retail; these are identified in paragraph 3.22, and in Appendix 2 through OP Sites OP67: Aberdeen Market, OP91: Marischal Square, OP96: Upper/Basement Floors 73-149 Union Street and OP102 George Street, Crooked Lane. Further to this, as discussed in paragraph 3.22 of the Proposed Plan, and paragraph 2.88 of the Aberdeen City and Aberdeenshire Retail Study 2014 (CD16) (page 163 of 377) further expansion and improvements to the existing retail stock in the City Centre Retail Core will be encouraged. The Retail Study outlines a number of solutions to accommodating the 30,000 square meters of retail capacity within the city centre, as per page 22 of the Executive Summary.

References to Culture

92: Please see response to same issue as per response to NC4. As discussed above, it is not considered necessary to expand Policy NC5 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan.

Business and Out of Centre Proposals

120: In line with Scottish Planning Policy (CD05), the Proposed Plan supports a town centre first approach to retail, commercial and leisure development. Office developments are encouraged into or close to the city centre and a specific West End Office Area has been identified, along with an area of Specialist Employment Land to the south of Union Square around Poynerook.

Sites and areas have been identified, through the Proposals Map and further detail provided in Appendix 2, where employment and mixed use is acceptable in principle. Demand for city centre locations is high and space is limited and in order to accommodate anticipated business growth, the Strategic Development Plan (CD12) requires significant employment land allocations to be identified. These are mainly concentrated in Bridge of Don, Dyce and the Airport, Kingswells and Altens. Although these are peripheral to the urban area of Aberdeen, they serve a much wider catchment that extends well into Aberdeenshire.

The principle of business use is established in areas zones as B1: Business and Industry and B2: Specialised Employment Land. With the B3: West End Office Area there is a principle of maintaining a balance between protecting the historic environment and allowing office development in the area, while B4: Aberdeen Airport supports the development of airport compatible uses.

The employment allocations identified through the Strategic Development Plan have been fully met in the Proposed Plan. Compatible proposals on land zoned or

identified for a particular use would not be subject to additional assessment under Policy NC5 (for example employment uses on employment land). An OP site or zoning establishes the type of use acceptable on the site/area with Appendix 2 providing further information pertaining to usages acceptable on the OP sites.

In light of the robust policy framework detailed above it is not considered necessary to expand upon Policy NC5.

Policy Content

139: There is no requirement to repeat the text from Proposed Plan Policy NC4 that, 'Out-of-centre developments should be required to provide an impact assessment for developments over 2,500 square metres and which are not in accordance with the development plan'. Out-of-centre proposals will be assessed against Policy NC5 and Policy NC4, along with a number of other national, regional and local policy and guidance, therefore there is no requirement to repeat the text from one policy within another policy.

140: The principle of merging Policy NC4 and NC5 is not sound. Policy NC4 outlines the Hierarchy of Centres giving certainty regarding the town centre first approach. Policy NC5 has a principle of refusal, whereby it has to be proven that the development cannot be accommodated within the five Tiers of the Hierarchy of Centres. Merging the two Policies would cause uncertainty and may weaken the principle of supporting and encouraging development within the identified locations. The Haudagain Triangle site would be tested against Policy NC5 amongst others if a planning application for a retail park was submitted in this location. The site is not intended to meet the retail floorspace requirements identified by the Aberdeen City and Aberdeenshire Retail Study 2014.

With regard to the reference to the Perth and Kinross Council Policy, the Policy points within this Policy are already covered by Proposed Policy and Supplementary Guidance in the Proposed Plan. The principle of Policy NC4 is to ensure there is no detrimental impact to retail centres. Policy NC6 outlines there must be no undermining of the principle function of centres, and Policy NC4 and the Proposed Supplementary Guidance outline the Hierarchy of Centres, whereby a town centre first principle and sequential approach to development is applied. The scale of development is a fundamental aspect of Policy D1: Quality Placemaking by Design. All developments are subject to consultation with the Council's Roads Projects Team. Transport Assessments, as outlined in SPP are to be carried out for significant developments. The Proposed Transport and Accessibility Supplementary Guidance (CD25) outlines the gross floor areas of developments where transport assessments and transport statements are required for proposals in Aberdeen.

Policy NC6: Town, District, Neighbourhood and Commercial Centre

Support

130: We welcome the support for the Policy

Site Specific

34: The definition of a District Centre is outlined in the Glossary of the Proposed Plan. A District Centre is, 'Groups of shops outwith the city centre, usually containing at least one food supermarket or superstore and non-retail services. These may take a variety of forms'. There is no supermarket or superstore at the Denmore Road Retail Park. The Commercial Centre is formed from two large warehouse type units, with the unit to the south being a single occupier, the unit to the north being split into three units, two of which are unoccupied. Certificate of Lawfulness were granted in 2009 ([090333](#) & [090334](#)) for both warehouse units. They are noted to be both unrestricted Class 1 Retail. The existing use within both units on site is bulky goods.

A Planning Permission in Principle application to redevelop the existing retail units to form a single Class 1 Retail unit was submitted and approved conditionally in 2011. This consent expired on 10 June 2014 ([101203](#)). On 11 March 2014, a Proposal of Application Notice was submitted for the redevelopment of the existing retail units to form a single Class 1 Retail unit. It was determined further consultation was required. A further application, for Detailed Planning Permission [151324](#) was validated on 07 August 2015 for 'Refurbishment of Existing Retail Terrace, formation of new mezzanine within Unit 2, resurfacing and extension of car park, reconfiguration of existing service yard and erection of new coffee pod unit.' This application is currently pending.

As per the definition of District Centre, there is no supermarket or superstore in operation on site and so the site should not be zoned a District Centre.

34: The Boulevard Retail Park fits the definition of a Retail Park in the Proposed Plan as it is a grouping of three or more retail warehouses with associated car parking. The Boulevard Retail Park does not fit the definition of 'District Centre' as it primarily offers a retail function with only one unit (DW Sports Fitness) offering a mixed Class 1 and Class 11 Use. The Boulevard Retail Park does not reflect the mix of uses expected in a District Centre.

130: The detail of the proposal regarding an Aldi at the Cornhill Neighbourhood Centre is subject to a pending planning application ([151113](#)).

Reference to Culture

92: Please see response to same issue as per response to NC1. As discussed above, it is not considered necessary to expand Policy NC6 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan

Policy Content

136: The Town, District, Neighbourhood and Commercial Centres are all part of the Hierarchy of Centres, with the City Centre forming Tier 1. Retail health checks are carried out bi-annually by the Council to assess the function, vitality and vibrancy of the sites which make up the five Tiers. Proposed Plan Policy NC6 makes the presumption of retail function within these Tiers. The Policy does not dismiss or

exclude small or medium sized offices from being located within these areas, but for this to occur, points 1 to 7 of the Policy would have to be satisfied. All large footfall generating developments would be appropriate in the City Centre. The streets specifically mentioned (Carden Place and Queen's Road) are zoned under Policy B3: West End Office Area. There is a presumption of office related activity within this area. The West End Office Area has been in place for a number of years and was present within the Aberdeen City District-Wide Local Plan 1991 (RD36), the Aberdeen Local Plan 2008 (CD43) , the extant Aberdeen Local Development Plan 2012 (CD42) and is being taking forward within the Proposed Plan.

Supporting Text

158: The requirement to provide evidence that a retail unit has been actively marketed from six month or more provides justification for the non-retail use. The principle of a retail use is identified within Policies NC2, NC5 and NC6. A proposal to remove this use would need to explained and justified. A mix of uses is acceptable within these areas but the principle of a retail function should not be lost.

Clustering of Uses

164: In line with Scottish Planning Policy (paragraph 67) (CD05) the Proposed Plan has included Policies and Proposed Supplementary Guidance ("Harmony of Uses") to support an appropriate mix of uses. Additional policy provision has been added (as per paragraph 67 of SPP) to prevent over-provision and clustering of particular activities which would undermine the character and amenity of centres or the well-being of communities. The Respondent seeks to ensure that it is the negative aspect of clustering of particular uses that is taken into account when assessing Changes of Use. Criterion 6 of Policy NC6, focusses on clustering and is one of seven criteria which will be used to assess the suitability of proposals for Change of Use away from retail within Town, District, Neighbourhood and Commercial Centres. Further to this, criterion 7 also states, "the alternative use does not conflict with the amenity of the neighbouring area". All criterion need to be satisfied. The modification sought by the Respondent is already outlined in criterion 6 and 7 within the Policy.

Policy NC7: Local Shop Units

References to Culture

92: Please see response to same issue as per response to NC1. As discussed above, it is not considered necessary to expand Policy NC7 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan.

Policy NC8: Retail Development Serving New Development Areas

Support

87, 136: We welcome the support for the Policy.

References to Culture

92: Please see response to same issue as per response to NC1. As discussed above, it is not considered necessary to expand Policy NC8 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan

Policy Content

136: The areas to which this Policy applies are major land release residential developments allocation. These are to be developed to be sustainable communities, therefore alongside the residential use there is to be commercial uses and community facilities. These communities will be self sustaining with a mix of uses, with have integrated sustainable transport methods and will provide a range of facilities and services for those people living within them, and others in surrounding areas. All major land release residential developments allocations have Development Frameworks or Masterplans adopted as Supplementary Guidance to the extant Local Development Plan 2012 which we intend to readopt as Supplementary Guidance to the Proposed Plan once adopted. The Policy also states, "...should allocate retail and related uses at an appropriate scale to serve the convenience shopping needs of the expanding local community". Alongside this, the Aberdeen City and Aberdeenshire Retail Study 2013 (CD16) Executive Summary outlines specific requirements for retail function within the Newhills, Countesswells and Grandhome Developments. The Masterplans and Development Frameworks for [Newhills](#), [Countesswells](#) and [Grandhome](#) outline employment opportunities, education facilities, retail and leisure can be planned alongside residential development as an integrated mix of uses. The Development Frameworks outline they are intending to create hubs of civic, retail, leisure and office spaces. Therefore there is no requirement to modify the Policy to outline office and leisure uses as these are already dictated within the Masterplans and Development Frameworks for the major land release residential developments allocation.

Policy NC9: Beach and Leisure

Support

34: The support for the new Policy is welcome. We also note the support for paragraph 3.30 and the potential to commission a Masterplan for the beach if it is decided that it will help benefit the area. The City Centre Masterplan and Delivery Programme (CD33) investigated linkages and connectivity to the beach and outlined interventions on Castlegate would enhance connectivity to the beach.

References to Culture

92: Please see response to same issue as per response to NC1. As discussed above, it is not considered necessary to expand Policy NC9 to specifically mention cultural uses when there is already an overarching holistic approach to the creation of place which is integral to the Vision and Strategy of the Proposed Plan.

Reporter's conclusions:

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Reporter's recommendations:

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| Issue 22 | POLICY I1: INFRASTRUCTURE DELIVERY AND PLANNING OBLIGATIONS | |
| Development plan reference: | Page 32-33 | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Mr Rab Dickson of Nestrans (59) Ms Susanne Stevenson of Scottish Water (76) Mr John Findlay of Ryden LLP on behalf of Stewart Milne Homes (85) Ms Lavina C. Massie on behalf of Culter Community Council (98) Clare Pritchett of Scottish Environment Protection Agency (124) Mrs Elaine Farquharson-Black of Burness Paull LLP (132) Mr Dominic Fairlie of Aberdeen Civic Society (136) Mrs Claire Coutts of Ryden LLP on behalf of NHS Grampian (148) Mr Blair Melville of Homes for Scotland (149) Ms Emelda Maclean of Emac Planning LLP on behalf of Scotia Homes (152) Miss Jennifer Woods of NLP Planning on behalf of British Airways (153) Mr Oliver Munden of Persimmon Homes (157) Mr Ben Freeman of Bancon Developments (183)</p> | | |
| Provision of the Development Plan to which the issue relates: | Infrastructure requirements for new developments, including developer obligations. | |
| Planning authority's summary of the representation(s): | | |
| <p>Support</p> <p>59: Welcome reference to Cumulative Transport Appraisal and the Strategic Transport Fund in the Plan and Supplementary Guidance.</p> <p>76: Policy clearly directs developers to the Action Programme.</p> <p>98: Support for 'Delivering Infrastructure and Accessibility' being addressed in the Proposed Plan.</p> <p>124: Support for promotion of appropriate infrastructure for new development including connection to public sewerage system wherever possible.</p> <p>152: Supports the policy requirements.</p> <p>153: Support for the general principle within the Policy that appropriate contributions will be sought by the Council from developers for infrastructure improvements based upon the scale and type of development proposed. It is important that planning policy in Aberdeen does not unduly restrict the respondents operations or capacity at Aberdeen Airport but enables this operator to develop its operations to meet demand</p> | | |

and where infrastructure is needed to support the Airport that there is an appropriate mechanism to bring this forward.

General Objection

85: Planning obligations being imposed are becoming a "roof tax" on development. Objection taken to ever expanding list of services and infrastructure which developers are expected to contribute to, particularly where those services are the statutory responsibility of others who receive Central Government funding through taxation for their functions.

Circular 03/2012

85: Policy fails to mention or have proper regard to Scottish Government Circular 03/2012: Planning Applications & Good Neighbour Agreements. No reference is made to the tests set out in that Circular, all of which must be met before Planning Obligations can be sought.

152: Policy should clearly identify that infrastructure requirements will be secured in accordance with the required policy tests contained in Circular 03/2012: Planning Obligations and Good Neighbour Agreements.

183: Circular 03/2012 should be quoted in the Policy for the avoidance of doubt, contributions 'must always be related and proportionate in scale and kind to the development in question.'

132: Concern that Policy and Supplementary Guidance is placing existing practice on a statutory footing without examination of the methodology. There is no reference to the policy tests contained within the Scottish Government Circular 03/2012. Wording of the Policy should be amended to make it clear that contributions must relate reasonably in scale and kind to the proposed development as well as being necessary to make the proposed development acceptable in planning terms. It should also clearly reflect that contributions will not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives which are not necessary to allow permission to be granted for a particular development.

Policy/SG Split

149: The Plan does not include some policy matters contained in Supplementary Guidance. Notably around periods for which the Council will retain monies and mechanisms for holding and accounting for monies.

Policy

183: Omit "or exacerbate deficiencies in existing provision" from the first paragraph. It is not the function of developer obligation payments to improve existing shortfalls in the provision of facilities. Object to the sentence, "The precise level of infrastructure requirements and contributions will need to be agreed with the Council and other

statutory agencies.” It is not right that other agencies could determine the fate of planning proposal.

Preamble (3.32 - 3.25)

183: Paragraph 3.34 - The sentence “there may be circumstances where development imposes additional pressures and requires more extensive contributions to those identified in the Local Development Plan and Action Programme.” undermines Appendix 3 and the Action Programme, and is contrary to Scottish Planning Policy which focuses on the need for certainty.

183: Paragraph 3.35 - The sentence, “before a decision notice on a planning application can be issued.” is incorrect. A decision notice can be issued with a condition for a Section 75 Agreement to be signed.

Strategic Transport Fund

85: There are no grounds for contributions to the Strategic Transport Fund.

Health

148: Policy now recognises infrastructure requirements but does not go far enough to address the concerns of NHS Grampian. No reference to the requirement for brownfield, windfall or OP sites to contribute to infrastructure requirements, including healthcare facilities. Developer obligations must be recognised for Health services where brownfield sites will add pressure to existing facilities. Request opportunity to review the locations of proposed developments and develop a similar table to that for the Masterplan Zones. It is important that contributions are received from sites with the potential for planning consents as identified in Table 1, Appendix 1.

85: There are no grounds for contributions to healthcare provision. Contributions to health facilities are unacceptable. Many medical centres, dental facilities and community pharmacies primarily operate as commercial ventures and should not expect to receive funding from developers. Health care is funded by Central Government through taxation.

149, 157, 183: There is no immediate and automatic relationship between new development and location of new local facilities. Decisions on if and where to provide new facilities are taken by health boards and local bodies such as primary healthcare trusts.

149: Paragraph 3.91 is unreasonable and potentially beyond the powers and abilities of a planning authority to implement. The situation with healthcare is not analogous to other sorts of infrastructure.

149, 157, 183: Respondents believe the Council would not be able to demonstrate the need or detriment, or planning purpose for any Condition which deals with healthcare contributions. It is unclear what evidence the Council can produce of service deficiencies, pressures placed on services by new development or

programmes of new provision. Without this evidence Planning Authorities cannot make any developer obligation meet the five tests of Circular 1/2013. It would be unable to demonstrate need or detriment, and would be unable to say what planning purpose was being met by an obligation.

149: Paragraph 3.91 is unreasonable and potentially beyond the powers and abilities of a planning authority to implement. The situation with healthcare is not analogous to other sorts of infrastructure. Respondent refers to English Appeal decision 2157515 Moat House Farm, Eldon Road regarding the provision of healthcare and use of financial contributions. Moat Farm case established that provision is a matter for the healthcare authorities, funded through general taxation and that planning's role is to ensure that land is available as and when new facilities are brought forward.

149, 183: Proposed Plan gives no indication of where and when health service infrastructure might be needed.

149: Proposed Supplementary Guidance would have to contain clear and firm proposals from the NHS as to what it intended to provide, where and when. This is an operational matter for NHS rather than the Council. It is not clear that the Council will be able to produce Supplementary Guidance which would meet the tests of Circular 1/2013. No arrangements with the NHS exist for repayment of unused funds. It is inappropriate for developers to be replacing/supplementing UK taxation expenditure. Accountability and control of funds is a significant issue.

157: Refers to submissions made by another respondent (149) on this topic. Healthcare is a statutory requirement, funded through UK general taxation, and the services are not typically delivered by Councils. A planning authority would not be able to demonstrate the requirement to collect contributions towards health care meets with the 5 tests set out within Circular 1/2013, and therefore not suitable to collect contributions for. Developer contributions to infrastructure are typically provided through planning conditions or agreements. They are paid to the Council and held in clearly-differentiated accounts with the provision of repayment if unused within their anticipated timescales. No such arrangements are in place with the NHS, notwithstanding the view of Respondent 149 that it is inappropriate for developers to be replacing/supplementing UK taxation expenditure. Accountability and control of funds would be a significant issue.

183: Object to the inclusion of Health facilities. Healthcare is a statutory requirement. Services are not typically delivered by Councils. Healthcare is not governed by requirements around the location of services, and the tendency in healthcare has been centralisation and specialisation. See planning appeal in England (Planning Inspectorate Ref: 2157515: Moat House Farm, Elmdon Road).

Water and Drainage

76: Respondent is pleased to see developers are encouraged to approach the appropriate provider. There could be more of an emphasis on the benefits of early engagement. The Development Impact Assessment process has been superseded by Pre-Development Enquiry (PDE) forms. It is recommended that all developments

of more than a single house submits a PDE form.

Discounts/Mixed Use Sites

136: There is a desire to build single use sites. Mixed use allows for some traffic mitigation as it gives people the opportunity to live and work in the same area, possibly within walking distance. In calculating the need for developer contributions relating to a mixed use scheme, some form of allowance should be made for the fact that it is mixed use and this could be a reasonable deduction in planning obligations relating to transport. This would be one way to encourage the delivery of mixed use areas.

Page 33

76: Developers are responsible for providing water and wastewater infrastructure needed to support their site rather than make financial contribution towards Developer Obligations. Page 33 of the Proposed Plan includes water and drainage in the list of possible areas requiring a financial contribution.

132: Clarification is needed that contributions will not be required from all developments towards all of the items listed and will be considered on a site by site basis. Concerned that, when read in conjunction with the Policy, this will provide statutory support for requests towards all items. It must be clear that contributions sought under each heading will relate directly to the impact which the development has, in scale and kind, and not just to a general need.

Area specific issues

98: There are continuous concerns on traffic and transport infrastructure on A93 and B979, lack of parking and regular drainage and flooding problems. Respondent would appreciate developer contributions to be maximised to ease traffic and transport problems with regards to all OP sites included in the LDP.

Modifications sought by those submitting representations:

Circular 03/2012

85: References should be included in the Policy, supporting text to Circular 03/2012. It should be highlighted that contributions " ... must always be related and proportionate in scale and kind to the development in question as set out in the Circular".

152: Insert after "The precise level of infrastructure requirements and contributions will need to be agreed with the Council and other statutory agencies." "in accordance with the policy tests contained in Circular 03/2012: Planning Obligations and Good Neighbour Agreements.

Policy

183: Omit "or exacerbate deficiencies in existing provision" from the first paragraph. Clarity in Policy to ensure that all developer obligations are "must always be related and proportionate in scale and kind to the development in question".

Strategic Transport Fund

85: The requirement for contributions to the Strategic Transport Fund should be removed from the Plan.

Health

85: The requirement for contributions to healthcare facilities should be removed from the Plan.

149, 183: Remove all references in the Community Facilities section and Appendix 3 to developers making financial contributions to healthcare facilities.

157: Respondent agrees with comments made by Respondent 149 and request that the entire policy wording set out under community facilities should be removed in total from the Plan, and any references made elsewhere also removed.

148: Policy amended to make specific reference to healthcare facilities. The first paragraph should read: "Where development either individually or cumulatively will place additional demands on community facilities or infrastructure, 'including healthcare facilities' that would necessitate new facilities or exacerbate deficiencies in existing provision. . ."

148: It should also refer to infrastructure requirements relating to Appendix 1 (Brownfield) and 2 (Opportunity Sites), as well as windfall sites.

148: A table of amendments to Appendix 3 are detailed in the response submitted which are necessary to reflect changes in NHS Grampian's requirements since the extant Local Development Plan was prepared.

Water & Drainage

76: More emphasis on early engagement.

Page 33

76: Page 33 of the Plan requires clarification

Summary of response (including reasons) by planning authority:

From the outset of the review of the extant Local Development Plan (CD42), the Council has taken a proactive approach by identifying infrastructure required to

support new development. This process has involved working with a range of organisations through the Future Infrastructure Requirements for Services (FIRS) Group to assess the capacity of existing infrastructure and its ability to cope with new development in each area of the City, and to then assess additional infrastructure required.

Proposed Plan Policy I1 – Infrastructure Delivery and Planning Obligations and Appendix 3 set out the broad principles including the items for which contributions will be sought and the occasions when they will be sought. Additional detail on the methodology used and the criteria that should be used to calculate developer contributions is provided in the Proposed Supplementary Guidance: Planning Obligations Manual (CD25). The Proposed Action Programme (CD21) outlines further details on the delivery of supporting infrastructure. Both the Proposed Supplementary Guidance and Action Programme can be updated to take account of changing circumstances as sites come forward. We propose to carry forward the same broad approach and principles from the extant Local Development Plan into the Proposed Plan, with some minor updates and wording changes.

The Aberdeen City and Shire Strategic Development Plan (SDP) 2014 (CD12) proposed not to allocate additional land, but to ‘roll forward’ the allocations from the Aberdeen City and Shire Structure Plan 2009 (CD20) into the SDP, and this was accepted by the Reporter during the SDP’s Examination (Issue 5 pages 54 – 74) (CD13). The Reporter’s conclusion stated “Drawing all of these matters together, I conclude that the scale and distribution of growth provided for in the housing allowances is appropriate and sufficient, in accordance with the requirement of paragraph 117 of Circular 6/2013.” Aberdeen City Council agrees with these conclusions. As a reflection, the vast majority of sites identified in the Proposed Plan have also been ‘rolled forward’ and, as such, Appendix 3 with the Proposed Plan has not changed significantly from Appendix 4 within the extant Plan.

We propose to carry forward the same approach and principles from the extant Local Development Plan 2012 into the Proposed Plan with regards to infrastructure delivery and planning obligations. The principle and detail of the policy approach was examined in depth at the Aberdeen City Local Development Plan 2012 examination under Issue 90 (CD44). The approach adopted in the Proposed Plan is appropriate as the detail has been previously examined, it is a ‘tested policy approach’ and there has been no material change in the interim.

Developer Obligations Assessments undertake a detailed review of the impact of a development on local infrastructure in line with the Development Plan, policy tests set out in Circular 03/2012 Planning Obligations and Good Neighbour Agreements (CD11) and baseline data. Any contributions sought therefore require to be fully justified.

Support

59, 76, 98, 124, 153: Support for the principle of the approach taken by Aberdeen City Council in assessing infrastructure requirements associated with new development and publishing these in the Proposed Plan and Proposed Action

Programme is noted and welcomed.

General Objection

85: As detailed above, the approach promoted in the Proposed Plan is the same as was promoted in the extant Local Development Plan 2012. Whilst there has been a review/rationalisation of the topic areas for contributions as part of the Supplementary Guidance drafting process, there has been no expansion of services and infrastructure which developers may be requested to contribute towards. Bearing in mind that the majority of the Proposed Plan sites have been 'rolled forward' from the extant Local Development Plan, and the majority of these have agreed Development Framework/Masterplans, planning consents and/or have begun construction it would not be reasonable to apply different requirements to these sites. As detailed above, the Proposed Action Programme reflects the most up to date position with regards to infrastructure delivery.

Circular 03/2012

85, 132, 152, 183: The issues raised were considered at the Examination into the extant Local Development Plan 2012 (Issue 90) and Circular 01/2010 (RD23) (superseded by Circular 03/2012).

85, 132, 152, 183: It is agreed that developer contributions can only be sought where they comply with the requirements of Circular 03/2012 Planning Obligations and Good Neighbour Agreements. Circular 03/2012 paragraph 2 states "Planning authorities should promote obligations in strict compliance with the tests set out in the circular". The Council considers it inappropriate and unnecessary to repeat the contents of SPP or Scottish Government circulars or refer to them explicitly in the policy or supporting text. This would lead to unnecessary repetition and the references could become outdated within the five year lifespan of the Local Development Plan.

132, 183: Proposed Plan Policy I1 is clear that the level of provision required will relate to the development proposed either directly or to the cumulative impact of development in the area and be commensurate to its scale and impact. This is in line with Circular 03/2012.

132: Circular 03/2012 (paragraph 32) recommends that methods and exact levels of contributions should be included in supplementary guidance and this is the approach taken with both the extant Local Development Plan and the Proposed Plan. Opportunities for discussion about the precise need for infrastructure and the process for delivery are identified in both the Proposed Plan and the Proposed Supplementary Guidance.

132: Proposed Plan Policy I1 and the Proposed Supplementary Guidance are clear that existing deficiencies in public services, facilities or infrastructure can be made worse by new development and new deficiencies created. However, contributions are intended to address only matters arising from new proposals, not existing deficiencies. In terms of contributions being necessary, the Policy again clearly states "Where development either individually or cumulatively will place additional

demands on community facilities or infrastructure that would NECESSITATE (emphasis added) new facilities....". Page 33 summarises the content of Proposed Supplementary Guidance - Planning Obligations and clearly states "Contributions will be sought, where necessary, for ..". The Proposed Supplementary Guidance details when and where a contribution may apply and how the contribution would be calculated.

In light of the robust and previously examined policy framework detailed above it is not considered necessary to expand upon Proposed Plan Policy I1 or the supporting text at paragraphs 3.32 - 3.35.

Policy/SG Split

149: In line with Circular 06/2013 (paragraph 139) items for which financial or other contributions will be sought and the circumstances where they will be sought have been identified in the Proposed Plan. Exact levels of contributions or methodologies for their calculations have been included in the proposed supplementary guidance as per Circular 06/2013 (paragraph 139). Procedural matters such as retention of monies, mechanisms for holding and accounting for monies are matters of detail best left to supplementary guidance. Procedural details can be subject to change and to include such information in the Local Development Plan with a five year lifespan would be unnecessarily restrictive for both the council and applicant. This approach conforms to Circular 03/2012 (paragraph 35) which advises that information on how monies will be held, how they will be used and, if applicable, how they will be returned to the developer should be included in supplementary guidance where standard charges and formulae are being used.

Policy

183: As detailed above Proposed Plan Policy I1 and the Proposed Supplementary Guidance are clear that existing deficiencies can be made worse by new development. However, contributions are intended to address only matters arising from new proposals and not the existing deficiencies. It is unrealistic to argue that an existing shortfall nullifies the need for intervention. Circular 03/2012 (paragraph 21) states "It is inappropriate to grant planning permission for a development which would demonstrably exacerbate a situation which was clearly already unsatisfactory."

183: It is appropriate that the Council consult with other statutory agencies regarding the precise level of infrastructure requirements and contributions. Whilst the Council worked with various infrastructure providers to assess the overall infrastructure requirements for the Proposed Plan during its preparation, the Council are not responsible for delivering all of the items of infrastructure - such as health, transport and water infrastructure. The Proposed Plan and Proposed Supplementary Guidance both advocate early and continued engagement and there are ample opportunities at both Masterplanning and planning application stages for negotiations to take place. The Proposed Action Programme outlines further details on the delivery of supporting infrastructure and as a "live" document can be updated to take into account changing circumstances.

Preamble (3.32 - 3.25)

183: Circular 03/2012 (paragraph 30-31) recognises that the plan led approach allows for early consideration of likely contributions that might be sought from developers. However it also recognises "Development plans cannot, however, anticipate every situation where the need for a planning obligation will arise". As detailed above the approach taken by the Council aimed to provide as much certainty as possible, as early as possible, to identify infrastructure required to support development. It is not reasonable to assume that the level of contributions and circumstances (for both the Council and developer) will not change over the lifetime of the Plan and the allocations (which for some of the larger sites can be 15-20 years). For example the cost to provide a primary school will not be the same in 15 years as it is today. Equally, changes in education provision/school roll forecasts may show that a new school might not be required and that an extension would suffice thus reducing infrastructure costs. The Proposed Action Programme and associated Supplementary Guidance to Policy I1 provide the appropriate vehicle to reassess where circumstance requires it.

183: In the vast majority of cases a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, (CD02) does need to be agreed with the Council prior to a decision notice being issued. It is not the intention of the Proposed Plan to cover all circumstances of when a decision notice can be issued. The most common use of planning obligations is to ensure the provision of infrastructure to make a development acceptable in planning terms. Without a signed agreement the development would not be acceptable in planning terms and as such, decision notices are not normally issued prior to the receipt of an agreed and signed legal agreement.

Discounts/Mixed Use Sites

136: While acknowledging that there may be circumstances where contributions could be waived or reduced, this would be achieved through negotiations between the Council and other statutory agencies and should only happen in exceptional circumstances.

Strategic Transport Fund

85: Since the publication of the Proposed Plan; Supplementary Guidance to the Aberdeen City and Shire Strategic Development Plan (SDP): Strategic Transport Fund (CD19) has been adopted (25th June 2015) by the Aberdeen City and Shire Strategic Development Planning Authority and following ratification by both constituent councils came into force on 28 August 2015. The new statutory guidance replaces the non-statutory guidance which had been in force for the last three and a half years. The Strategic Transport Fund is a contribution which is identified in the Proposed Plan and associated SDP Supplementary Guidance and can be requested from eligible sites going through the planning process. The principle of this contribution is outwith the remit of this Examination.

Health

There are policies and guidance in place at local, regional and national level to ensure that development mitigates against negative impacts and all proposals are expected to conform to these. The requirement for healthcare contributions meets the policy tests as set out in Circular 03/2012: Planning Obligations and Good Neighbour Agreements and the principle of contributions towards healthcare facilities is clearly set out in the Proposed Plan. Further detail is provided through Proposed Supplementary Guidance: Planning Obligations. The methodology and approach developed ensures that there is a clear link between the development and the proposed contributions, basing this on national guidelines on floorspace (Scottish Health Planning Note 36 Parts 1-3) (RD14) and patient numbers anticipated from a development.

85, 149, 157, 183: Responsibility for the National Health Services in Scotland is a devolved matter and therefore rests with the Scottish Government. The Scottish Government allocates health care funding to the 14 NHS Territorial Boards covering the whole of Scotland and the seven national or 'special' NHS Boards. The Scottish Government sets national objectives and priorities for the NHS, signs delivery plans with each NHS Board and Special NHS Board, monitors performance, and supports Boards to ensure achievement of these key objectives. The NHS Boards in Scotland plan, commission and deliver NHS services for their populations. The majority of new healthcare facilities are being delivered and funded by the local health board (NHS Grampian).

85, 149, 157, 183: Given the above; where there are clear and statutory requirements placed on the NHS to provide healthcare and similarly on Local Authorities to provide public services, such as education and social care, there is no difference between contributions to health, community, education etc as long as it meets the criteria set out in the Circular 03/2012. All developers will be required, where necessary, to contribute towards their provision, in order to mitigate the impact of development.

85, 149, 157, 183: New development places additional requirements on existing healthcare infrastructure. Additional population growth within an area, results in additional residents utilising healthcare facilities, generating a requirement for additional capacity. Developer contributions are therefore sought to mitigate the impact of development where an existing healthcare facility (either general GP medical service, dental facility, community pharmacy) is at capacity or the scale of the development would trigger the requirement for such a facility. Contributions are solely identified for capital works for the provision of additional capacity (e.g. extension to an existing health centre) and are not used for any associated revenue costs or furniture costs of which other funding is directed towards.

85, 149, 157, 183: Developer contributions for healthcare facilities are held by the Local Authority and drawn down by NHS Grampian when required. Prior to the release of funds the Local Authority would review the details of the proposed project to ensure that it met the relevant criteria and ensure all appropriate invoices and paperwork are provided, in line with normal practice.

85, 149, 157, 183: These contributions recognise the wider remit of contributions that are required as a result of new development. It is acceptable to include contributions

towards health care provision (in terms of capital costs) due to the impact that new development has on healthcare facilities. This matter was considered through the Examination into the extant Local Development Plan 2012 (Issue 90, 'Reporter's conclusions' paragraph 38) where the Reporter stated "Where the evidence gathered shows the proposed development would create a need for the health facility, I consider that that is a direct relationship between the two and the requirement meets the tests in paragraph 11 of Circular 01/2010" (now superseded by paragraph 14 of Circular 03/2012).

85, 149, 157, 183: The detail of requirements for health facilities arising because of development was provided by NHS Grampian. NHS Grampian has assessed the capacity and catchment areas of existing services and facilities, and have recommended where new or improved facilities are required. The Council considers that it is reasonable to highlight where new development would trigger the need for new services such as health facilities. The delivery of health facilities will need to be discussed and agreed with NHS Grampian at the Masterplanning and planning application stages.

149, 183: Contributions towards infrastructure outwith the control of the Council are identified in Appendix 3 of the Proposed Plan.

148: Bearing in mind that the majority of sites in the Proposed Plan have been carried forward from the extant Local Development Plan 2012 and are considerably progressed (and have their infrastructure requirements established through adopted development frameworks/masterplans) it would not be reasonable to apply different requirements to these sites. The opportunity was provided to NHS Grampian during the Plan preparation process and in consultation with all FIRS members. As detailed above, the Proposed Action Programme reflects the most up to date position with regards to infrastructure delivery.

148: It is not accepted that the Proposed Plan is not sufficiently clear relating to contributions being sought for OP sites, brownfield and windfall sites. Paragraph 2 of Proposed Plan Policy I1 clearly states that infrastructure requirements to Masterplan Zones and other allocated sites are set out in Appendix 3 and 4. Infrastructure requirements and level of contributions for other development (this includes windfall sites) will be assessed using the criteria set out in the Proposed Supplementary Guidance: Planning Obligations. Healthcare is specifically mentioned as a contribution topic area on page 33 of the Proposed Plan and is detailed in the Proposed Supplementary Guidance. Additional sites which may arise through the lifetime of the Proposed Plan will be assessed using the robust policy framework highlighted through Policy I1 and the associated Supplementary Guidance. The healthcare requirement detail is provided by the NHS who input data into the Action Programme regarding healthcare facilities. Data on healthcare facilities from non-masterplanned zoned sites when forthcoming from the NHS will be programmed into the Action Programme.

148: Appendix 1, Table 1 and 2 provides an evidence base relating to meeting the housing requirement identified in the Aberdeen City and Shire Strategic Development Plan. It is not intended to be used as a means to identify infrastructure requirements arising from the listed sites as these sites may not have been put

forward as a bid for development and limited certainty would be gained through assessing them.

Water and Drainage

76: Page 33 of the Proposed Plan summarises the content of Proposed Supplementary Guidance - Planning Obligations and lists the contribution areas where contributions may be sought. The Proposed Supplementary Guidance details when and where a contribution may apply and how the contribution would be calculated. Proposed Supplementary Guidance - Planning Obligations clarifies the issue raised by the respondent. In respect of water and drainage the contribution relates to creation/provision of Regional Sustainable urban Drainage Systems (SuDS) and this is an optional contribution area. Regional SuDS could be built by Aberdeen City Council, on land owned by the Council and 'space' made available either through planning agreements or as commercial agreements, between the Council and developers.

Area Specific Issues

98: There are policies and guidance in place at local, regional and national level to ensure that development mitigates against its impact and all proposals are expected to conform to these. Proposed Plan Policy I1 will apply to all sites and all developers will, where necessary, be required to provide infrastructure or services, or a contribution towards their provision, in order to mitigate the impact of development. Whilst we appreciate the concern raised by the Community Councils, the Proposed Plan and associated Proposed Supplementary Guidance provide a robust basis for ensuring that contributions are sought to mitigate the negative impacts of proposed new development. There is no order of priority or preference for contributions e.g. transport as priority, then education, health etc. Contributions are sought as they are required to make the development acceptable in planning terms.

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| Reporter's conclusions: |
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| Reporter's recommendations: |
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| Issue 23 | POLICY T1, T2 & T3: TRANSPORT AND ACCESSIBILITY | |
| Development plan reference: | Page 35-38, Proposal Map | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Mr Rab Dickson of the North East of Scotland Transport Partnership (59) Mr William Sell of Craigiebuckler and Seafield Community Council (66) Mr Roger Laird of Archial Norr on behalf of BP Midstreams Pipelines (108) Mr Derek Webster (112) Ms Jyll Skinner of Aberdeen Cycle Forum (115) Mr Dominic Fairlie of Aberdeen Civic Society (136) Miss Samantha Jackson of CBRE LTD on behalf of John Lewis (139) Miss Jennifer Woods of NLP Planning on behalf of British Airways (153) Ms Catherine Thornhill of Savills (UK) on behalf of Hammerson plc (158)</p> | | |
| Provision of the Development Plan to which the issue relates: | The viability and need for future transport infrastructure, assessing & managing the transport impacts of new developments and supporting and encouraging active and sustainable travel. | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy T1: Land for Transport</p> <p><u>General Support</u></p> <p>59: Supports Raith's Farm Rail Freight Facilities as reservation for transport related activities</p> <p>153: Supports safeguarding of land for transport projects, specifically A96 Park and Ride, Dyce Railway Station and the Aberdeen Western Peripheral Route which will improve connectivity to Aberdeen Airport.</p> <p><u>Berryden Corridor Improvements</u></p> <p>112: Objects to the design of the Berryden Corridor scheme. The associated road infrastructure such as pedestrian and cycle paths and traffic signals are not clear on the plans. Concerned about the health, safety and quality implications and is interested to know whether the Infrastructure Committee was presented the right information during the design and construction permission stage. There has been no adequate response to impact on properties.</p> <p><u>Sustainable Transport Infrastructure</u></p> <p>115: Sustainable transport infrastructure for new developments such as walking and</p> | | |

cycling facilities should be given equal priority to car transport if a modal shift is desired. Consultation should be undertaken with national and local groups to ensure infrastructure is suitable for intended users.

Raith's Farm Rail Freight Facility

108: Land at Raith's Farm Rail Freight Facility is within the pipeline consultation zone. Planning Advice for Developments near Hazardous Installations regulations state that any proposed transport links within the inner consultation area will result in an 'advise against' response from the Health and Safety Executive. This should be included in the Policy or supporting text.

158: This site should be rezoned as business and industrial land as it will not be required for future expansion of the rail freight facility. It would be suitable for business and industrial uses given its proximity to road and rail networks. The landowner requires the site for Class 6 storage and distribution uses associated with the operation of Union Square shopping centre. Aberdeen City Council should ensure there is a range of marketable allocated sites for businesses in the Local Development Plan.

Policy T2: Managing the Transport Impact of Development

General Support

153: Supports sufficient measures being taken to minimise traffic generation and maximise opportunities for sustainable and active travel. Supports the need to manage traffic generation in the Aberdeen but this should not be at the expense of building upon the Airport's future role.

158: Supports utilising existing transport network in Aberdeen.

Consultation

115: Groups experienced in using and designing facilities should be consulted before the process of maximising opportunities for sustainable and active travel is taken forward to ground-breaking.

Increased Traffic

136: Concerned about increased traffic at peak times as a result of new development such as the single-use Prime Four development. Aberdeen City Council should consider the impact of such schemes on existing neighbourhoods for example by carrying out a walkable neighbourhood analysis before committing to particular transport proposals. Supports how employment opportunities created by the development of new communities reduce the need to travel.

City Centre Car Parking

158: Easy access to the City Centre Retail Core is crucial to minimising generated

traffic and maximising sustainable and active travel. Union Square acts as a strategic city centre car park and so to help meet this function and to facilitate its floorspace growth, additional parking capacity should be provided. Creating strategic car parking in the North Dee business district would multiply commuter car trips, which would be harmful to the City Centre Masterplan aims.

Policy T3: Sustainable and Active Travel

General Support

59: Supports the objective of reducing congestion and improving air quality in the city centre, and encouraging sustainable travel.

139: Supports improvements to Aberdeen's transport network to make movement around the city centre easier for shoppers. Supports emphasis on links between residential, employment, recreation and other facilities for non-motorised transport users.

153: Supports the need for new developments to demonstrate sufficient measures have been taken to minimise traffic generation and to maximise sustainable and active travel opportunities. Supports the need to manage traffic generation in the Aberdeen but this should not be at the expense of building upon the Airport's future role. Supports the recognition that there will still be instances in which people will be required to travel by car in order to access the Airport.

Developer Contributions

66: Aberdeen City Council should subsidise unprofitable routes because industries such as catering and entertainment are losing revenues due to a lack of evening bus services. Developers should be required to contribute to public transport and liaise with public transport providers, as well as providing paths and cycle routes.

Sustainably Accessible Developments

115: Would like to see the emphasis on all developments to be 'accessible with an emphasis on active and sustainable transport'.

City Centre Connectivity

139: This Policy should act as a catalyst for improving connectivity between the streets and shopping centres of Bon Accord, Union Square and Trinity Shopping Centre. Developments in the city centre should be expected to provide or promote links with other facilities in the centre to ensure convenient and safe access for people. This Policy and the forthcoming City Centre Masterplan should ensure new retail developments are integrated with existing transport networks and different modes of transport. Measures should be introduced to strengthen the relationships between shopping areas and transport hubs in Aberdeen.

City Centre Car Parking

139: Caution should be applied towards restrictions on car parking/car access to a significant level as this could deter future shoppers from visiting the city centre and in turn impact upon its vitality and viability, particularly in the face of out-of-town developments with free car parking.

Modifications sought by those submitting representations:

Policy T1: Land for Transport

Berryden Corridor Improvements

112: The design of the road has not factored a satisfactory design that was promised in 2010 such as the appraisal of impacts on 1 Belmont Gardens on Ashgrove Road; this is the most affected property in the scheme. Aberdeen City Council has not adequately addressed the impacts on this property. Tender issues should not be issued until addressed.

Raith's Farm Rail Freight Facility

108: Reference the presence of pipeline included in the Policy in relation to Raith's Rail Freight facility.

158: Site should be rezoned as Business and Industrial land and recognised as an Opportunity Site.

Policy T2: City Centre Car Parking

158: Acknowledge and confirm that Union Square provides the optimum location for the provision of additional car parking at the southern gateway to the city centre.

Summary of response (including reasons) by planning authority:

Policy T1: Land for Transport

General Support

59, 153: Support is welcomed and noted.

Berryden Corridor Improvements

A preliminary design was prepared, based on the relevant design standards for all road users, to assess the impact of improving the Berryden Corridor and, once the

decision was taken to progress with this improvement, the preliminary layout was used as the base within the Proposed Plan. One of the purposes of a Local Development Plan is to safeguard land for particular uses, and the route shown does not necessarily dictate the finished detailed layout. Once a more detailed design is prepared, which will reference factual information as well as ground surveys, the direct impacts will be available for presentation as part of technical submissions and for discussion with affected parties as well as those in the wider area.

Sustainable Transport Infrastructure

115: The Proposed Plan fully supports sustainable transport infrastructure such as walking and cycling not only for new, but also for existing, developments. Aberdeen City Council recognises that high quality facilities that enable and encourage people to walk, cycle or use public transport for a variety of journey purposes (including work and education trips and for recreation) must be delivered in tandem with new development. The Council therefore works with developers to ensure that appropriate infrastructure is in place to enable this from the very first day of occupation. Developers are required to ensure that new developments are accessible by walking, cycling and public transport, and that the internal layout of developments also favours these modes. There are policies in place (including Designing Streets: A Policy Statement for Scotland 2010 (CD06) and Cycling by Design 2010 (RD16)) which new developments are required to adhere to, that promote pedestrian and cycle friendly design, and aim to ensure that the needs of those on foot or bike take precedence over those driving vehicles. The Proposed Plan takes cognisance of, and aligns itself with the aspirations of the Consultative Draft Aberdeen Local Transport Strategy 2015 (Draft LTS) (CD34), the North East of Scotland Transport Partnership (Nestrans) Regional Transport Strategy 2013 (RTS) (CD15) and the National Transport Strategy 2006 (NTS) (CD09), all of which prioritise walking, cycling and public transport. With regards to consultation being undertaken with national and local groups, the preparation of the Proposed Plan included public consultation during the Main Issues Report (MIR) (CD29) and Proposed Plan stages, of which Aberdeen City Council consulted national, regional and local bodies and the public regarding Policies contained within the Plan. Furthermore, consultation with a wide range of stakeholders and the general public is normally undertaken during the Masterplanning (where appropriate) and planning application stages when the details of the proposed development have been further investigated.

Raith's Farm Freight Facility

108: The function of Proposed Plan Policy T1 is to safeguard land for transport projects that are listed therein. The Raith's Rail Freight Facility is zoned under Policy T1 (Improved Rail Services) for the future expansion of the rail facility. With regard to the presence of the pipeline on the site, consultation with the appropriate body would be undertaken as and when necessary consents are required for this expansion. Pipeline notification is already covered in Proposed Plan Policy B6 and the notification zones are shown on the Additional (reverse) City Wide Proposals Map. It is not considered necessary to repeat this in Policy T1 or the supporting text.

158: Both Transport Scotland and the North East of Scotland Transport Partnership

(Nestrans) support the retention of this site for the future expansion of the rail freight facility. Aberdeen and surrounds are currently experiencing considerable growth, particularly in relation to employment land and the Council wishes this growth to continue. There are substantial opportunities to develop employment land elsewhere but nowhere else has been identified for rail freight expansion should it be required in future. In this context, it would be prudent to retain the current zoning of Land for Transport and retain the site as an opportunity for rail freight expansion. With regards to Aberdeen City Council ensuring there is a range of marketable allocated sites for businesses, the Proposed Plan has already allocated a significant amount of land for business and industrial development, in line with the Aberdeen City and Shire Strategic Development Plan 2014 (CD12). This land is located in a wide range of mixed use developments that support Class 4, 5 and 6 uses, as well as single-use business parks. The employment land allocations required by the Strategic Development Plan are set out in Figure 6 of the SDP. This requires the Aberdeen Local Development Plan to allocate 105 hectares of employment land to 2026 and a further 70 hectares of Strategic Reserve Land for the period 2027-35. Table 2 of the Proposed Plan (on page 9) shows that we have allocated 143 hectares to 2026 (it reads 130 hectares which is an error addressed by the Council as a Non-Notifiable Modification (CD26)) and a further 66 hectares to 2035. We therefore consider that the employment land requirements of the Strategic Development Plan have been fully met and that there is ample opportunity to develop storage and distribution facilities.

Policy T2: Managing the Transport Impacts of Development

General Support

153, 158: Support has been welcomed and noted.

Consultation

115: Aberdeen City Council undertakes consultation with relevant appropriate Key Agencies during the Masterplanning, pre-application and planning application stages when the details of the proposed development have been further investigated.

Increased Traffic

136: The existing Prime Four business development has been very successful, with exceptional demand for office space within its location. The issue of traffic as a result of the business park's development was examined during the planning application process. Consultation with Aberdeen City Council's Roads Projects Team was undertaken. Moreover, a Transport Statement and Travel Plan were submitted as part of the planning application process. Where a development proposal could lead to a significant increase in road traffic, a worsening of air quality or potential sources of pollution, it will not be permitted unless it can be demonstrated that measures will be implemented to minimise or manage the impacts to an appropriate level. The suggestion to carry out a walkable neighbourhood analysis has been noted.

City Centre Car Parking

158: Easy access to the City Centre Retail Core by sustainable transport modes and careful consideration of the balance and location of car parking is crucial to minimising traffic. The city centre is highly accessible by public transport and the density of population relative to the mixture of land uses (retailing, employment, etc.) allows for a large proportion of pedestrian and cycle journeys. Availability of on-street parking, public off-street parking, public transport hubs and Park and Ride opportunities are also available. These factors therefore allow for low levels of parking associated with new and existing developments within the city centre, such as Union Square. The recently approved [City Centre Masterplan and Delivery Programme](#) (CD33) promotes the improvement of sustainable transport and limiting the movement of private vehicles in the city centre. This includes applying stricter parking standards within the city centre boundary to enforce 'zero parking' for new developments as additional parking encourages trips by car and will exacerbate traffic problems in the area. Any forthcoming planning application to extend Union Square will therefore be considered within this strategic context. If a requirement for additional car parking is established and can be accommodated by the network this will be considered on a cumulative and strategic basis for the North Dee and Union Square area as per the Transport, Air Quality and Noise Supplementary Guidance (CD25) where demand for car parking is at different times of the day/ year.

Policy T3: Sustainable and Active Travel

General Support

59, 139, 153: Support has been welcomed and noted.

Developer Contributions

66: The Proposed Plan supports the provision of necessary infrastructure to maximise the use of sustainable transport modes. In line with paragraph 273 of Scottish Planning Policy (SPP) (CD05), where public transport services required to serve a new development cannot be commercially provided, Aberdeen City Council works with the developers to seek an appropriate contribution towards an agreed level of service. Aberdeen City Council also coordinates discussions with public transport providers and developers in order to agree on a way forward. Aberdeen City Council does not subsidise unprofitable routes at present but would rather work with the North East of Scotland Transport Partnership (Nestrans) and public transport providers to ensure that commercial services are as attractive as possible to users (in terms of lower fares, improved journey times, reliability and frequency). By attracting more passengers to commercial services, operators will have the incentive and resources to improve and extend those services, thereby ensuring the long-term sustainability of the commercial network.

Sustainably Accessible Developments

115: Proposed Plan Policy T3 reflects the modal hierarchy set out in paragraph 273 of Scottish Planning Policy (CD05) and it also reflects the aims and objectives of the Consultative Draft Aberdeen Local Transport Strategy 2015 (Draft LTS) (CD34) on page 91, which sets out the framework for the transport network in the city. The Proposed Plan and the Draft LTS both prioritise the provision of a comprehensive

network for sustainable travel and the delivery of modal shift. Sustainable travel will be maximised through careful attention to the design and layout of development, giving priority to those on foot, cycling or using public transport ahead of car user requirements, and measures to improve infrastructure and services to encourage sustainable travel within the catchment area of the development. New developments will need to reflect the principles of Scottish Government's Designing Streets (CD06).

City Centre Connectivity

139: Aberdeen City Council recognises that high quality facilities that help to improve connectivity between the city centre streets and shopping centres are important. Proposed Plan Policy T3 encourages developments to be accessible by a range of transport modes, with an emphasis on sustainable transport. Retail developments in the city centre will therefore be required to provide convenient and safe access for people and will be required to integrate with existing transport networks. Any developments within the city centre will also be required to comply with Policy D1 – Quality Placemaking by Design, which states that proposals will be assessed against six essential qualities: (i) distinctive; (ii) welcoming; (iii) safe and pleasant; (iv) easy to move around; (v) adaptable; and (vi) resource efficient. In addition to this, the [City Centre Masterplan and Delivery Programme](#) promotes a range of projects that will enhance the public realm and strengthen the relationships between shopping areas and transport hubs. The projects, which include the Bon Accord Centre, St Nicholas Centre, Trinity Centre and Union Square, contain schemes that will retain open grid streets and promote pedestrian priority to improve the pedestrian environment. This will help to establish a strong pedestrian linkage between the shopping areas and the rest of the city centre.

City Centre Car Parking

139: The proposals for restricting levels of car parking only apply to new developments and, as such, are unlikely to have an impact on existing usage. Continuing to provide high levels of car parking in the city centre will encourage private vehicle use and therefore undermine Aberdeen City Council's aspiration to promote sustainable modes of transport. The city centre is one of three Air Quality Management Areas (AQMAs) in Aberdeen, where the volume of particulate matter (PM) detected, which is largely caused by the presence of motor vehicles, is of a level that could be harmful to human health. The city centre is currently highly accessible by walking, cycling and public transport and a number of proposals within the [City Centre Masterplan and Delivery Programme](#) should further improve accessibility by non-car modes of transport in future years. The [City Centre Masterplan and Delivery Programme](#) promotes a 'walkable Aberdeen', where the number of private cars is limited and the city is made more attractive and safer for pedestrians. Furthermore, the City Centre Masterplan and Delivery Plan also contains projects that include applying stricter parking standards within the city centre boundary to enforce 'zero parking' for new development.

Reporter's conclusions:

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| Reporter's recommendations: |
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| Issue 24 | POLICY T4 & T5: AIR QUALITY AND NOISE | |
| Development plan reference: | Page 38-40 | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Mr John Findlay of Ryden LLP on behalf of Dandara LLP (90) Mr Ross Anthony of The Theatres Trust (92) Mr George Wood of Old Aberdeen Community Council (100) Ms Jyll Skinner of Aberdeen Cycle Forum (115) Clare Pritchett of Scottish Environment Protection Agency (124) Miss Jennifer Woods of NLP Planning on behalf of British Airways (153)</p> | | |
| Provision of the Development Plan to which the issue relates: | Presumption against developments that will have a negative impact on amenity and/or air quality | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy T4: Air Quality</p> <p><u>General Support</u></p> <p>124: Support Policy requiring an Air Quality Impact Assessment.</p> <p><u>Air Pollution Reduction</u></p> <p>100: Traffic based air pollution can only be improved with free flowing traffic and a reduction in traffic movements, especially single occupancy cars.</p> <p>115: Air quality and noise are unaffected by cycle modal share and would contribute towards lowering the air and noise pollution, particularly in the city centre.</p> <p>Policy T5: Noise</p> <p><u>General Support</u></p> <p>92: Supports Policy</p> <p>153: Supports Policy requirement stating that housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses.</p> <p><u>Flexibility</u></p> <p>90: Policy needs a flexible approach reflecting individual site and locational circumstances. Policy wording is ambiguous and does not reflect PAN 1/2011: Planning and Noise, which advocates a flexible approach where the level of detail</p> | | |

should be balanced against the degree of risk.

Future Conflicts

92: New developments should recognise that cultural and business uses such as theatres and pubs often create noise. Therefore the design of new developments near these sites should address this issue to ensure no future conflicts. Existing uses should not have unreasonable restrictions put on them at a later stage as a result of changes nearby since they were established.

Noise Pollution Reduction

115: Noise and air quality are unaffected by cycle modal share and would contribute towards lowering the air and noise pollution, particularly in the city centre.

Modifications sought by those submitting representations:

Policy T5: Noise

90: The term 'significant mitigation' should be amended to remove the word 'significant' as it is inappropriate and unnecessary.

Summary of response (including reasons) by planning authority:

Policy T4: Air Pollution

General Support

124: Support is welcomed and noted.

Air Pollution Reduction

100, 115: Air quality problems in Aberdeen are predominantly a result of emissions from road vehicles and this is reflected in the locations of the Air Quality Management Areas (AQMAs). The declared AQMAs are:

- (i) City Centre (including Union Street, Market Street, Commerce Street, Guild Street and Bridge Street, and parts of Holburn Street, King Street and Victoria Road);
- (ii) Anderson Drive (incorporating the whole of Anderson Drive, the area around the Haudagain roundabout and the A96 to Howes Road); and,
- (iii) Wellington Road (from Queen Elizabeth II Bridge to Balnagask Road).

The Aberdeen Air Quality Action Plan (CD37) recommends a range of initiatives to address air quality problems, which include increasing awareness of air quality

issues, promoting sustainable transport, reducing the need to travel, improving traffic management and transport infrastructure, and consideration of the impact of a Low Emission Zone. A subsequent study to appraise the different scenarios of the Air Quality Action Plan ranked their impact on predicted emission reductions and this concluded that no intervention measure alone could address the air quality problems in Aberdeen; a combination of measures will be required (that will include free flowing traffic, reduction in traffic movements and cycle infrastructure).

Policy T5: Noise

General Support

92, 153: Support is welcomed and noted.

Flexibility

90: Policy T5 and relevant Proposed Supplementary Guidance: Noise, was prepared with PAN 1/2011 Planning and Noise (RD25) as a guide and is considered to be in alignment with national advice. PAN 1/2011 provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. The flexible nature of this Policy is reflected in that it advocates Noise Impact Assessments (NIA) to be carried out only for development proposals that are likely to generate significant noise. This also includes proposals that may affect noise sensitive receptors or affect noise levels in and around a Noise Management Area (NMA) or Quiet Area (QA), or where a noise-sensitive development is proposed which may be affected by existing noise sources. The Policy also makes comment on the protection of QAs and NMAs. Aberdeen City Council appreciates the fact that the location and design of a development plays a significant role in preventing, controlling and mitigating the effects of noise. Early discussions with the Council will therefore help to determine the suitability of the site for a proposed development and the level of detail required from an applicant in respect of noise. With reference to the term 'significant mitigation' we agree that there may be instances where the term 'significant' would be inappropriate. Therefore, if the Reporter is so minded we would propose that the word 'significant' is removed from the second paragraph of Policy T5 – Noise.

Future Conflicts

92: The location and design of any new development plays a significant role in preventing, controlling and mitigating the effects of noise. Aberdeen City Council's preferred approach is to plan for good environmental quality, including the noise climate, from the outset of a proposed development, rather than to try to mitigate the effects in retrospect. Good environmental quality remains an aim of the Council irrespective of existing neighbouring uses.

Noise Pollution Reduction

115: Aberdeen City Council acknowledges that cycling does not contribute towards noise and air pollution and therefore contributes to reducing this pollution when taken

in lieu of other forms of transport such as private cars.

Reporter's conclusions:

Reporter's recommendations:

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| Issue 25 | POLICY B1, B2 & B3: SUPPORTING BUSINESS AND INDUSTRY | |
| Development plan reference: | Page 41-43, Proposals Map | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Mr Malcolm Campbell of Knight Frank LLP on behalf of Moorfield Group Limited (94) Mr Mike Williams of Scott Hobbs Planning on behalf of Scottish Enterprise (120) Mr Dominic Fairlie of Aberdeen Civic Society (136) Miss Jennifer Woods of NLP Planning on behalf of British Airways (153) Mr Oliver Munden of Persimmon Homes (157) Mr Fraser Littlejohn of Montagu Evans LLP on behalf of Buccmoor LP (160)</p> | | |
| Provision of the Development Plan to which the issue relates: | Ensure that business and industrial use is supported in the correct location | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy B1 - Business and Industrial Land</p> <p><u>General Support</u></p> <p>153: Supports the identification of land for Class 4, 5 and 6 uses. Supports the safeguarding of existing industrial and business land from other development pressures, which is particularly important for sites in strategic locations.</p> <p><u>Flexibility of Policy</u></p> <p>160: Facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of such areas.</p> <p><u>Separation of Uses</u></p> <p>136: It is better to have areas that contain a mix of uses, rather than separate commercial uses from residential using buffer zones. Single use business and industrial areas have proliferated around the city in recent years (e.g. at the airport, Kingswells, Murcar), which encourage additional car trips to and from work. These sites are often low density, which negatively impacts the landscape. Higher density development should be encouraged.</p> <p><u>Employment Land on Allocated Sites</u></p> <p>157: New sites allocated for employment use, where evidence shows there is no developer interest for employment development, should be allowed to be developed for alternative use. There should be more pressure to re-use existing business</p> | | |

allocations first, rather than delivering on new allocations.

Impact of Airport

153: Notes the constraints that airport operations impose on new developments. These are noise standards, airport safeguarding areas and Circular 08/2002 guidance.

Policy B2 - Specialist Employment Areas

General Support

120: Supports provision of generous land for employment and economic growth, and the retention and promotion of land for knowledge-driven industries.

Flexibility of Policy

120, 160: Policy should be flexible enough to accommodate other uses within areas identified as B2, where they are ancillary to the prime Class 4 use. For example, Class 4, 5 and 6 uses are often required to be located on the same site.

94: Policy should have more flexibility in order for the Energy Park to grow. Policy is in conflict with recently granted consent for the Energy Park extension which allows Class 4,5 and 6 uses.

Scottish Enterprise Involvement

94, 120: Paragraph 3.62 is not accurate. Buccmoor LP now controls Aberdeen Energy Park. Scottish Enterprise no longer have involvement at the Energy Park.

Impact of Airport

153: Supports complementary employment uses in OP19. Part of the site however, falls within the Aberdeen Airport Public Safety Zone. Respondent notes the constraints that airport operations impose on new developments. These are noise standards, airport safeguarding areas and Circular 08/2002 guidance.

Policy B3 - West End Office Area

General Support

120: Supports policy and paragraph 3.63. Implementation should be positive for office development, and avoid imposing constraints on development.

Type of Use

136: Both residential and commercial uses should be encouraged to remain in the area, to retain vitality during times when the offices are not occupied. This area of

Aberdeen should remain mixed use, both residential and commercial uses.

Modifications sought by those submitting representations:

Policy B1: Business and Industrial Land

Flexibility of Policy

160: Flexibility should be introduced into the Policy, so that proposals for alternative uses on sites identified for Business and Industry are considered on their own merits.

Employment Land on Allocated Sites

157: Policy should have similar wording for new allocations as the Plan already has for existing business use land (with respect to alternative uses being permitted where there is no developer interest in employment land).

Policy B2: Specialist Employment Areas

Flexibility of Policy

120: Modify the wording of the Policy so that Class 5 and/or Class 6 uses will be permitted where required to facilitate the Class 4 development. Wording should also be included to state that Class 5 and 6 uses will only be considered if it can be shown that respective uses can co-exist without eroding amenity.

160: Flexibility should be introduced into the policy that allows proposals for appropriate alternative uses in areas of Specialist Employment to be considered on their own merits.

Scottish Enterprise Involvement

94, 120: Remove the following sentence “the parks are an essential component of Scottish Enterprise’s Economic Development Strategy”. Update all other references in the Plan.

Policy B3: West End Office Area

General Support

120: Modify the wording of the Policy so that proposals for Change of Use to residential, or any new residential development, will be approved provided it can be demonstrated that the proposed residential use will not harm any existing or future potential for office use in the area.

Summary of response (including reasons) by planning authority:

Policy B1: Business and Industrial Land

General Support

153: Note the support received for the Policy.

Flexibility of Policy

160: The Policy states that facilities that directly support business and industrial uses may be permitted where they enhance the attraction and sustainability of the city's business and industrial land.

Separation of Uses

136: The Proposed Plan has allocated significant amount of land for business and industrial development, in line with the Aberdeen City and Shire Strategic Development Plan (SDP) 2014 (CD12) and as discussed under Issue 1 Vision and Spatial Strategy. Some of this land is located within new mixed use developments as well as single-use employment land allocations. However it is sometimes necessary to maintain an appropriate separation of business/industrial/commercial uses and residential uses, in the interests of residential amenity in terms of noise, traffic impacts, smell or other nuisance.

Employment Land on Allocated Sites

157: The SDP requires the Aberdeen Local Development Plan to maintain a ready supply of employment land in the right places. Therefore in accordance with the SDP, a phased large allocation of employment land has been identified to meet the diverse needs of different types and sizes of businesses. It is important that larger development sites contain a mix of employment land and other uses, in the interests of creating sustainable, mixed communities.

Impact of Airport

153: The Proposed Plan notes the constraints that airport operations impose on new developments. Policy B4 in the Proposed Plan deals specifically with matters relating to safety and developments within the airport's operational area.

Policy B2: Specialist Employment Areas

General Support

120: Note the support received for the Policy.

Flexibility of Policy

94, 120, 160: The aim of Proposed Policy B2 is to encourage development that contributes to a high quality environment, and it is considered that Class 5 and 6 uses would be likely to compromise this. The Plan already identifies areas as Policy B1, where Class 4, 5 and 6 uses are supported. Policy B2 does state that facilities that directly support business use may be permitted where they enhance the attraction and sustainability of the Specialist Employment Area.

94: With regards to the comment about Policy B2 being in conflict with the recently granted consent for Aberdeen Energy Park, the planning application ([131483](#)) limited Class 6 uses to 20% of the site area. The 20% limit was set in order to preserve amenity levels and to ensure an appropriate focus and high standard of development within the Aberdeen Science and Energy Park. Additional information concerning this site has also been provided in Issue 3.

Scottish Enterprise Involvement

94, 120: Aberdeen City Council appreciates that Scottish Enterprise no longer has involvement at the Aberdeen Energy Park. We would propose to remove the text ""The parks are an essential component of Scottish Enterprise's Economic Development Strategy" from paragraph 3.62 as a Non-Notifiable Modification (CD26).

Impact of Airport

153: The Proposed Plan notes the constraints that airport operations impose on new developments. Policy B4 in the Proposed Plan deals specifically with matters relating to safety and developments within the airport's operational area.

Policy B3: West End Office Area

General Support

120: The support for Proposed Policy B3 West End Office Area is welcomed. The Policy states that new developments that do not protect existing residential amenity will be refused.

Types of Use

136: Proposed Policy B3 makes it clear that the Council will encourage and promote the continual development of this area as a high quality office location. The Policy further states that proposals for Change of Use to residential will be considered on their merits, but the main focus is to promote this area for office use.

Reporter's conclusions:

Reporter's recommendations:

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| Issue 26 | POLICY B4,B5 & B6: AIRPORT, HARBOUR, PIPELINES | |
| Development plan reference: | Page 43-45, Proposals Map, Constraints Map | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Julian Austin of amec foster wheeler E &I UK on behalf of National Grid (12) Mr John Handley of John Handley Associates Lts on behalf of Shell UK Limited (38) Mr Sacha Rossi of NATS Safeguarding Office (42) Mr Roger Laird of Archial Norr on behalf of BP Midstreams Pipelines (108) Mr Mike Williams of Scott Hobbs Planning on behalf of Scottish Enterprise (120) Mr Colin Lavety of Barton Willmore on behalf of Aberdeen Harbour Board (137) Miss Jennifer Woods of NLP Planning on behalf of British Airways (153)</p> | | |
| Provision of the Development Plan to which the issue relates: | Support growth and development at the harbour and airport, and ensure developments follow safety procedures for pipelines, major hazards and explosives storage sites | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy B4 - Aberdeen Airport</p> <p><u>General Support</u></p> <p>42: Supports inclusion of Perwinnes Radar in the Policy.</p> <p>120: Supports protection of land within the vicinity of Aberdeen Airport for employment use and also supports measures to seek delivery of the necessary infrastructure to facilitate economic development.</p> <p><u>Safeguarding and Public Safety Zones</u></p> <p>120: Policy doesn't provide sufficient clarity in relation to Safeguarding Zones. Aberdeen City Council should continue discussions with NATS to remedy this.</p> <p>153: Supports inclusion of Public Safety Zones and the safe operation of the Airport. The Council should not allow an increase of population in these Zones and future neighbouring development must be fully assessed.</p> <p><u>Wind Turbines</u></p> <p>42: The NATS information pack for wind turbine applicants should be referenced.</p> <p><u>Promoting Economic Growth</u></p> | | |

120: The Local Development Plan needs to have a more proactive, positive framework highlighting the importance of employment land allocations adjacent to Airport.

Supporting Airport-Related Uses

153: Supports presumption in favour of compatible uses within areas zoned for Aberdeen Airport. There should also be a presumption in favour of airport-related uses such as hotels and car hire facilities, which have an important role to play in supporting airports.

Policy B5 - Aberdeen Harbours

General Support

120, 137: Welcomes the Policies and proposals which support Harbour operation, development and expansion, and the continued recognition of its role as an economic driver.

Economic Development

120, 137: The Plan does not give sufficient priority to the potential of the harbour to contribute to the economic development of the Region.

120: Measures should be introduced for the delivery of necessary infrastructure to facilitate the Harbour expansion.

Reference to Nigg Bay in Policy

120: Revised wording and/or new Policy regarding the proposed harbour expansion should indicate how the wider area beyond Nigg Bay could benefit from a Masterplan.

Protection of Harbour Operations

137: Paragraph 3.70 makes reference to the Aberdeen Harbour Development Framework, stating that the Development Framework explores how a greater mix of uses can be accommodated at the Harbour. In fact, the Framework affords varying degrees of protection to Harbour operations dependent on the proximity of new developments to the operational Harbour.

137: In its present wording, Policy B5 appears to indirectly promote amenity of new development over Harbour activity and safeguarding.

Extent of B5 Allocation at OP62 Nigg Bay

137: Harbour proposals for Nigg Bay have evolved, and the proposed Harbour footprint is now different to that of National Planning Framework 3 and the Proposed Plan. Land zoned under Policy B5 should be subject to further adjustment, taking

into account these changes. The draft Harbour Revision Order Boundary Plan shows the most up to date site layout.

The 'Developed' and 'Undeveloped' Coastal Management Area's have been drafted the wrong way round. The Core Path will need to be diverted around the new Harbour.

Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites

General Support

38, 108: Support Policy and identification of various Pipeline Consultation Zones. Wording is appropriate and Constraints Map is supported.

MAH Pipelines

12: High Pressure Major Accident Hazard Pipelines (MAHP) should be taken into account when developing site options.

Modifications sought by those submitting representations:

Policy B4 - Aberdeen Airport

Promoting Economic Growth

120: Policy should include expanded wording or include additional Policy for Airport Employment Growth Zones, making cross references to other policies in the Plan.

Safeguarding and Public Safety Zones

120: Amend Policy wording and supporting text to provide greater clarity in relation to safeguarded zones requirements.

Policy B5 - Aberdeen Harbour

Protection of Harbour Operations

137: The Local Development Plan should make reference to the Objective Area of the Harbour Development Framework and should make clear that the maintaining the Harbour's viability is of paramount importance and will take precedence over potentially conflicting developments.

Extent of B5 Allocation at Nigg Bay

137: Policy B5 allocation at Nigg Bay should be amended to reflect accompanying draft Harbour Revision Order boundary plan.

The legend on the Additional City Wide Proposals Map should use dark green and light green respectively to indicate 'Developed' and 'Undeveloped' Coastal Management Areas.

Economic Development

120: Expand wording or include additional Policy that is in favour of development or expanded harbour and associated employment land.

137: Reword Paragraph 3.69 to make reference to offshore energy first, rather than trade, offshore energy and passenger ferry service. Policy should be reworded to make the locations of new developments within the harbour's vicinity clear.

Summary of response (including reasons) by planning authority:

Policy B4 - Aberdeen Airport

General Support

42, 120: Note the support received for Policy B4 Aberdeen Airport.

Safeguarding and Public Safety Zones

120: Aberdeen City Council has continued discussions with National Air Traffic Services (NATS) regarding Safeguarding Zones for Perwinnes Radar. Detailed guidance on this subject is contained in the Technical Advice Note (TAN): Land Use Planning and Aberdeen Airport (RD42).

153: Comment on support of inclusion of Public Safety Zones is noted. Proposed Plan Policy B4 already notes that there is a presumption against certain types of development resulting in an increase of people living, working or congregating in Public Safety Zones.

Wind Turbines

42: Aberdeen City Council appreciates the fact that the NATS information pack for wind turbine development is important. Reference is given to this in the Proposed Wind Turbine Development Supplementary Guidance (CD25). It notes that NATS are a statutory consultee and are responsible for ensuring that all of their assets are protected from interference.

Promoting Economic Growth

120: Paragraph 3.57 of the Proposed Plan notes that business and industrial development sites can be located in strategic locations such as Aberdeen Airport. Furthermore, paragraph 3.65 also notes that the Airport is vital to the success of the North East economy. The Proposed Plan therefore recognises the importance of

employment land in proximity to the Airport because of its strategic location and the ability to ensure Aberdeen remains competitive.

Supporting Airport-Related Uses

153: Proposed Plan Policy B4 deals specifically with matters relating to the safety and efficiency of Airport operations, and developments within the Airport's operational areas. The Policy makes clear that uses such as hotels and car-hire facilities that are airport-related, will be treated and judged on their merits during the planning application stage.

Policy B5 - Aberdeen Harbour

General Support

120, 137: The support received for Policy B5 Aberdeen Harbour is welcomed and noted.

Economic Development

120, 137: Paragraph 3.69 of the Proposed Plan makes reference to the Harbour's critical role in both Aberdeen and Scotland's economy. The expansion of Aberdeen Harbour has been established at a national level by the National Planning Framework 3 (CD04), on the grounds of strengthening its key role in supporting the economy of the North East. A new [Development Framework](#) for Nigg Bay is also being produced which will focus on the Harbour expansion and will address aspects such as environmental improvements, economic development regeneration, the co-ordination of essential infrastructure delivery and strategic improvements to the road and rail network.

Reference to Nigg Bay in Policy

120: Paragraph 3.72 of the Proposed Plan states that a Development Framework will be prepared and adopted as Supplementary Guidance for the new harbour at Nigg Bay and its surrounding area.

Protection of Harbour Operations

137: We consider the existing policy wording to be appropriate. It does not imply that the Proposed Plan privileges new development over harbour operations. The policy was written with the consideration and regard to the existing Harbour Development Framework.

Extent of B5 Allocation at Nigg Bay

137: As this issue relates to an Opportunity Site, OP62, it has been addressed separately in Issue 13 – Allocated Sites Loirston and Cove.

Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites

General Support

38, 108: The support received for Proposed Plan Policy B6: Pipelines, Major Hazards and Explosive Storage is noted.

MAH Pipelines

12: Pipelines will continue to be protected through Proposed Plan Policy B6: High Pressure Major Accident Pipelines and will be used next time as part of the Sustainability Criteria for assessing new sites. They are already marked on the Proposed Plan Additional City Wide Proposals Map for consideration by Planning Officers when assessing development proposals.

Reporter's conclusions:

Reporter's recommendations:

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| Issue 27 | POLICY H1, H3 & H4: MEETING HOUSING AND COMMUNITY NEEDS | |
| Development plan reference: | Page 46-47, Proposals Map | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Mr John Findlay of Ryden LLP on behalf of Stewart Milne Homes (85) Mr John Findlay of Ryden LLP on behalf of Dandara LLP (90) Mr Anthony Aiken of Colliers International on behalf of MacTaggart and Mickel Homes (123) Ms Christine Dalziel of Halliday Fraser Munro on behalf of CALA Homes (North) Ltd (131) Mr Dominic Fairlie of Aberdeen Civic Society (136) Mr Blair Melville of Homes for Scotland (149) Ms Emelda Maclean of Emac Planning LLP on behalf of Scotia Homes (152) Miss Jennifer Woods of NLP Planning on behalf of British Airways (153) Mr Oliver Munden of Persimmon Homes (157) Ms Meabhann Crowe of Colliers on behalf of AA Webster and Sons (162) Ms Meabhann Crowe of Colliers on behalf of MacTaggart and Mickel Homes and Mr Fabrizio Necchi (163) Mr Ben Freeman of Bancon Developments (183)</p> | | |
| Provision of the Development Plan to which the issue relates: | Supporting residential development in the correct location, with appropriate density and housing mix, and supports mix use development in the correct location | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy H1: Residential Areas</p> <p><u>Support for the Policy</u></p> <p>123, 157, 162, 163: General support for the Policy.</p> <p><u>Character Areas</u></p> <p>123, 162, 163: Request for a description of the character areas and definition of what is meant by 'surrounding area'.</p> <p><u>Development and the Airport</u></p> <p>153: The Council must ensure that development permitted in close proximity to the airport complies with policies in the Plan relating to the safe and effective operation of Aberdeen Airport.</p> <p>157: The lack of definition of 'over development' creates uncertainty in terms of</p> | | |

identifying sites. More clarity is required.

Alternative Sites

162: Proposal to include a site a Derbeth Farm.

163: Proposal to include a site a Bucksburn.

Policy H3: Density

136: Support for the Policy but urges caution in striking a balance between higher density developments and creating attractive places and that the Policy should be extended to office developments.

152: The density of a development should be determined by the site not a Policy.

Policy H4: Housing Mix

Support for the Policy and Lowering the Policy Threshold.

136: Support for the Policy and suggestion that it should apply to developments smaller than 50 units. The market should determine the mix.

85, 90, 183: Object to the Policy on the basis the market should determine housing mix.

90: A mix is not justified by the Housing Need and Demand Assessment and if housing is needed for elderly people and people with particular needs then contributions via the affordable housing policy should be used to deliver this.

131, 149,157: Object to the Policy on the basis that a site may be brought forward aimed at a particular market and the Local Development Plan should identify a particular mix if one is required.

157: It is not appropriate for any Planning Authority to predict house sizes - this is an issue for the market.

149, 157, 183: Object to the Policy on the basis that housing mix should be determined at settlement/city level rather than on a development basis as there is no clear definition of what a community is as set out in Scottish Planning Policy.

Modifications sought by those submitting representations:

Policy H1: Residential Areas

123, 157, 162: Set out clarifications regarding the character area descriptions - if

any exist - and what specific radius applies to 'surrounding areas'.

157: Request a definition of over development is included within Policy H1.

162: Include land at Derbeth Farm as a viable residential development location as identified in the supporting information.

163: Include land at Bucksburn as identified in the supporting information.

Policy H3: Density

152: Remove criterion 1 from Policy H3

Policy H4: Housing Mix

85, 90, 149: Policy should be amended to reflect that of the extant Local Development Plan

85, 90: The final sentence requiring the provision of smaller 1 and 2 bedroom units should be deleted. The supporting text in paragraph 3.79 should be amended to remove the emphasis on the needs of an ageing population.

85, 149: Amend the Policy - line 2 - replace 'achieve' with 'contribute to'; Line 3 - remove ' in line with a masterplan'; Line 3 after 'sizes' add 'within the wider community or neighbourhood'; Line 8 replace 'smaller 1 and 2 bedroom units' with ' a range of house sizes'.

183: Reword Policy to read: “Housing developments of larger than 50 units are required to contribute to an appropriate mix of dwelling types and sizes within the wider community or neighbourhood, reflecting the accommodation requirements of specific groups, in particular families, older people and people with particular needs. This mix should include a range of house sizes and should be reflected in both the market and affordable housing contributions.”

Summary of response (including reasons) by planning authority:

Policy H1: Residential Areas

Support for the Policy

123, 157, 162, 163: Support for the Policy is welcomed.

Character Areas

123, 162, 163: In the context of Policy H1 “character” and “surrounding area” do not refer to specific geographic areas, they relate to a development’s acceptability in the context of the surrounding built and natural environment. The sphere of influence of

any development will be determined by the Planning Case Officer on the basis of the scale of development, its location and the expected level of impact. Other Policies in the Proposed Plan such as Policy D1 – Quality Placemaking and Design will also play an important role in such an assessment based on the importance placed on Placemaking in Scottish Planning Policy (SPP) (CD05). One of the principal policies in SPP (paragraph 37) states that “Planning should take every opportunity to create high quality places by taking a design-led approach.” As such it would not be practical to identify what type or style of development would be suitable in every area across the city and this may indeed discourage innovative development from coming forward. In all cases the opportunity to discuss possible new developments and the appropriateness of sites with a Planning Officer or the Local Development Plan Team, is available to all members of the public. This policy is carried forward from the extant Local Development Plan 2012 (CD42) with only one change. That change is the substitution of a reference to specific Supplementary Guidance with a reference to all Supplementary Guidance due to concerns that other guidance, not directly referenced, was not being considered.

Development and the Airport

153, 157: All development allocated in the area of the Airport have gone through a Development Options Assessment (CD28/29/30) and Strategic Environmental Assessment (CD27) prior to their allocation in the Proposed Plan. This development will also be required to go through the planning application process where all relevant Policies in the Plan, including those related to the Airport, will be used to assess the acceptability of such development. A Technical Advice Note (TAN) Land Use Planning and Aberdeen Airport (RD42), regarding development in and around the airport has also been prepared by the council. This TAN was prepared in consultation with the Airport Authorities and consultation bodies as highlighted in para 284 of Scottish Planning Policy (CD05) which notes that Planning Authorities, Airport Operators and other stakeholders should work together on issues relating to the Airport including safety. The purpose of this TAN is to provide developers with additional information in relation to safety at the Airport.

Alternative Sites

162, 163: Please see Issue 8 - Alternative Sites: Kingswells & Greenferns for a response to the proposal to include a site at Derbeth Farm. Please see Issue 6 – Alternative Sites: Dyce, Bucksburn & Woodside for a response to the proposal to include a site at Bucksburn.

Policy H3: Density

136: Support for the Policy is welcomed.

136, 152: Land is an extremely important and valuable resource and its efficient use is fundamental to a plan led planning system and our sustainable future. Higher density developments prevent the loss of valuable agricultural land and can reduce infrastructure costs associated with transport. They can also support the viability of business by providing additional footfall and support the provision of services within new communities. The efficient use of land is highlighted in Scottish Planning Policy

Para 40 where it notes that 'planning should direct the right development to the right place' and higher density development can support the creation of better places. It also notes that higher density development supports the principles of a low carbon place by reducing transport emission SPP Para 158. The Aberdeen City and Shire Strategic Development Plan 2014 (SDP) (CD12) reflects this by requiring new developments over one hectare to have 'generally no less than 30 dwellings per hectare' (page 37). This in turn has been included in the Proposed Plan in Policy H3. The Policy does however recognise that this must be done while having due regard to the character of the site and the importance of creating attractive residential environments. By providing a minimum density the Plan provides clear guidance to prospective developers of what is expected from each site. The density is also carried forward from the extant Local Development Plan 2012 (CD42).

136: The suggestion that office developments should be included within the Policy is noted. It has not been the Councils experience that office development proposals do not try to maximise the density available on developments sites. Creating a Policy on density that addresses all forms of Business and Industrial development would also be difficult due to the varied nature of the uses even within different development classes.

Policy H4: Housing Mix

Support for the Policy and Lowering the Policy Threshold

136: Support for the Policy is welcomed. The suggestion that the Policy should apply to developments smaller than 50 units has been considered. The provision of different unit types does have a financial implication on developers and it is felt that the economy of scale to achieve such variety is more appropriate at developments of 50 units or more.

Determining Housing Mix

85, 90 131, 136, 149, 157, 183: The population of Scotland is continuing to age with the group over 65 expected to be one of the fastest growing age groups. The Aberdeen City and Shire Housing Needs and Demand Assessment (HNDA) 2011 (CD14) identified that this group would grow to 35% of the population by 2030. Catering for this age group is therefore extremely important as it is the decisions we take now that will be felt by 2030. The SDP (CD12) reflects this and requires new developments to meet the needs of the entire community through 'an appropriate mix of types and sizes of homes' (page 37). Proposed Policy H4 does not set a prescribed mix - it simply requires that all developments over 50 units provide a mix of types including smaller one and two bedroom units. These are seen as particularly important as they satisfy two ends of the market. They provide an opportunity for young families to get started in the housing market and allow older people to downsize. By not setting a prescribed target the Policy provides the flexibility for the Masterplanning/planning application process to adapt to market trends. This supports Scottish Planning Policy's aim of supporting the creation of sustainable mixed communities.

Where sites are brought forward for specialist housing which is specifically identified

for one user group, such as housing for the elderly or student accommodation, the appropriateness of applying the Policy will clearly be considered as part of the determination of the application. The Policy is also carried forward from the extant Local Development Plan 2012 with the addition of the requirement to provide a mix of types including smaller one and two bedroom units.

Scottish Planning Policy does not determine what a community is as setting a 'one size fits all' definition to community would be impractical and even counterproductive. Regardless of what a community is considered to be, it is the aim of this Policy to provide a range of housing types in all developments over 50 units, as it is these developments which together or alone will build to form a community. The Policy provides the flexibility for the Masterplan or planning application to consider context when determining the appropriate level of mix. However the HNDA has shown a strong demand for all house types meaning that regardless of what scale is chosen, there will still be a demand for a range of house types and sizes. As noted above this Policy is carried forward from the extant Local Development Plan 2012 which had the same benchmark of 50 units.

Reporter's conclusions:

Reporter's recommendations:

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| Issue 28 | POLICY H5, H6 & H7: AFFORDABLE HOUSING, AND GYPSY AND TRAVELLER SITE PROPOSALS | |
| Development plan reference: | Page 48-50 | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Mr Ian Livingston of Ryden LLP on behalf of University of Aberdeen (63) Mr John Findlay of Ryden LLP on behalf of Stewart Milne Homes (85) Mr John Findlay of Ryden LLP on behalf of Dandara LLP (90) Ms Lavina C. Massie on behalf of Culter Community Council (98) Mr George Wood of Old Aberdeen Community Council (100) Mr Christopher Ross of Barratt North Scotland (125) Ms Christine Dalziel of Halliday Fraser Munro on behalf of CALA Homes (North) Ltd (131) Mr Dominic Fairlie of Aberdeen Civic Society (136) Mrs Claire Coutts of Ryden LLP on behalf of NHS Grampian (148) Mr Blair Melville of Homes for Scotland (149) Ms Emelda Maclean of Emac Planning LLP on behalf of Scotia Homes (152) Mr Oliver Munden of Persimmon Homes (157) Mr Ben Freeman of Bancon Developments (183)</p> | | |
| Provision of the Development Plan to which the issue relates: | Requirement for new development to provide affordable housing; and make provision for the development of Gypsy and Traveller Sites | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy H5: Affordable Housing</p> <p><u>Requirements for Affordable Housing</u></p> <p>85, 149: Affordable housing requirements must be realistic and take into consideration the Strategic Development Plan, affordable housing targets and the provisions of PAN 2/2010 - Affordable Housing and Housing Land Audits.</p> <p><u>Wording and Scottish Planning Policy</u></p> <p>85, 90, 125, 131, 152, 157, 183, 149: Object to the wording of the Policy on the basis it does not reflect the current Scottish Planning Policy (SPP) by setting a minimum level of 25% Affordable Housing, that it does not include reference to a reduction in this requirement in exceptional cases and that reference to benchmarking should also be removed as it is not included in SPP.</p> <p>131: The 25% level may cause confusion where the result is not a whole number.</p> | | |

Development Viability and Flexibility

90, 157: The consideration of development viability should be set out in the Policy. It should be clear that viability is a significant consideration and that the affordable housing requirement should not jeopardise the overall delivery of a development.

157, 183, 149: The availability of funding is crucial to the delivery of affordable housing and this should be considered in setting targets.

90: Greater flexibility should be shown to the delivery of affordable housing including offsite delivery.

Thresholds

131, 90: The threshold of five units is below the figure set out in PAN 2/2010.

131: A suggestion that 10 units is more appropriate.

85, 90: The threshold for onsite delivery should be increased to 20-50 units. Active steps should be taken to support delivery

90: The Plan should allocate affordable housing sites including plots for self-build. Use compulsory purchase powers to support the delivery of greenfield and brownfield as well as making surplus Local Authority land or buildings available for affordable housing.

Key Workers and Universities

63, 148: Students and Key Workers (NHS Staff) should be identified as affordable housing.

63: The Universities should be allowed to retain affordable housing as on-site or off-site new or refurbished Student and Key Worker accommodation. The Council has been willing to accept this on Balgownie Farm.

148: Affordable housing on NHS sites should be ring fenced for NHS Key Workers.

Tenure

90: The Plan should give an indication of preferred tenures on sites.

Supplementary Guidance

149: There are Policies within the supporting Supplementary Guidance which should be within the Policy.

Commuted Payments

90: There should be wider use of commuted payments and they should not be

reviewed annually.

98, 136: Object to the acceptance of commuted payments, developers should deliver units.

149, 157: The Council should revert to the previous approach on commuted sums of a commuted sum based on transaction evidence in the market as this represents the values which both developers and Registered Social Landlord's find practical and viable.

Policy H6: Gypsy and Traveller Caravan Sites

100: Suggest that the delivery of Gypsy and Traveller Caravan Sites must be a priority.

Modifications sought by those submitting representations:

Policy H5: Affordable Housing

Wording and Scottish Planning Policy

85, 90: The term "no less than" should be removed from Policy as the wording does not reflect Scottish Planning Policy

131: Plan should be altered to read "a target of 25% of the total number of units".

125: "For market housing developments of five units or more, no more than 25% of the total number of units should be for affordable housing"

149: On housing developments of five units or more, a target of 25% of the total number of units should be affordable housing"

152: Delete "no less than" and insert "up to"

157: Request that the wording of Policy H5 is changed to replace "contribute no less than 25" with "approximately 25%"

183: It is proposed that the first sentence of Policy H5 be re-written as follows: "On housing developments of five units or more, the total number of affordable housing units should generally be no more than 25% of the total number of houses."

Development Viability and Flexibility

131: It should be made clear that the percentage requirement of affordable housing may be reduced as part of discussions but cannot be increased other than if the applicant proposes a greater provision than required by Policy.
Active steps should be taken to support delivery

85: Consideration should be given to the allocation of specific sites for affordable housing and in particular, surplus Local Authority owned land or buildings should be identified for affordable housing.

Supplementary Guidance

149, 157: The Council should revert to the previous approach on commuted sums of a commuted sum is based on transaction evidence in the market as this represents the values which both developers and Registered Social Landlord's find practical and viable.

149: The Reporters are requested to examine the Supplementary Guidance on Affordable Housing to determine which elements of the Supplementary Guidance are in fact Policy and therefore should be included in the Plan itself.

Key Workers and Universities

63: Students and Key Workers should be included within the definition of affordable housing: "where Universities or comparable institutions are providing new or updated accommodation for students or groups with similar characteristics, such provision may therefore be an acceptable alternative destination for affordable housing contributions from mainstream housing built on land owned by the institutions."

148: Additional paragraph should be added which states: "This meets the flexible approach to the delivery of affordable homes that Aberdeen City Council favour and more importantly understanding that there are distinct differences between affordable housing and key worker housing."

Summary of response (including reasons) by planning authority:

Requirements for Affordable Housing

85, 149: The Aberdeen City and Shire Housing Needs and Demand Assessment (HNDA) (CD14) was updated in 2011 to support the preparation of the Aberdeen City and Shire Strategic Development Plan 2014 (SDP) (CD05). The 2011 update of the HNDA was submitted to the Centre for Housing Market Analysis (CHMA) in March 2011 and the CHMA determined it to be 'robust and credible' on the 2nd of June 2011 (RD18). The SDP identified an affordable housing need of 38% across the Aberdeen Local Development Plan area, with the updated HNDA showing the Aberdeen Housing Market area need, standing at 40%. These figures show the scale of the challenge facing the city in terms of affordability pressure, and the chronic level of housing need.

The HNDA identified that that the figures were being driven by a decline in supply of affordable lettings, the difficult housing market and an increase in house prices

relative to income, at the low and modest end of the market. They also showed that the supply would likely continue to fall short of the demand and that a “combination of policy tools” would be required. The 40% demand clearly outstrips the 25% requirement identified in Proposed Plan Policy H5. However, as noted in paragraph 3.82 of the Proposed Plan, the provision of affordable housing should not jeopardise the delivery of housing as this would only compound the problem. The Plan and supporting Proposed Supplementary Guidance ‘Affordable Housing’ (CD25) therefore aim to create a broad flexible policy approach that can deliver the maximum level of affordable housing, while recognising the financial pressure on development. The Policy is therefore set at 25% of units for sites over five units to support both the delivery of affordable housing while recognising these financial pressures. The Proposed Supplementary Guidance on Affordable Housing, which has been consulted on separately, supports Policy H5 by setting out a broad range of approaches to the delivery of affordable housing.

This range of options includes different tenures types such as, social rent, shared ownership, shared equity, discounted low cost sale, housing without subsidy and mid-market rented accommodation, as well as options for onsite, offsite and commuted payments. Other options such as housing without subsidy will also play a role and the Supplementary Guidance also includes an option to consider types of affordable housing which have not yet been identified.

Policy H5: Affordable Housing

Wording and Scottish Planning Policy

85, 90, 125, 131, 152, 157, 183, 149: In line with PAN 2/2010: Affordable Housing and Housing Land Audits (RD26), Policy H5 sets out a clear threshold for developments to provide “no less than 25% affordable housing”. This is done to provide a clear and unambiguous requirement from each development. A prospective developer who allows for this level of affordable housing within their Business Plan can be confident that that this will satisfy the Council’s requirement for affordable housing. Altering this requirement to “approximately” or “up to” would introduce an element of ambiguity from the outset and would not provide the clarity which the Planning Circular 6/2013: Development Planning (CD10) and PAN 2/2010 (RD26) aim to achieve. This 25% requirement is also in line with Scottish Planning Policy (CD05) which states in paragraph 129 “contribution within a market site should generally be no more than 25% of the total number of houses”. This is also reflected in the Strategic Development Plan which similarly has a target of “around 25%”. Notwithstanding the discussion in the previous paragraph, that the requirement for affordable housing in Aberdeen far outstrips the 25% requirement in the Policy, 25% has been set to ensure the viability of developments as stated in paragraph 3.82 of the Plan. This figure is also carried over from the extant Local Development Plan 2012 which also requires 25%, thereby providing consistency and certainty for the development industry.

Development Viability and Flexibility

90, 149, 157, 183: Affordable housing, like any obligation, cannot be considered in isolation and in line with PAN 2/2010 Affordable Housing and the Housing Land

Audit 2015 (RD26), paragraph 3.82 of the Proposed Plan states clearly that the provision of affordable housing should not jeopardise the delivery of housing. Therefore if there are constraints on-site, or the affordable housing requirement affects the viability of the development, it will be addressed through the individual planning application. The Policy is therefore clear in what is expected, “no less than 25% affordable housing”, but flexible in order to deal with individual site circumstances. The supporting Proposed Supplementary Guidance ‘Affordable Housing’ (CD25) also provides a range of delivery options to provide flexibility which can aid in this process, as well as details on what is expected from the application in order to prove that a development is unviable. A draft Viability Statement is also included within Proposed Supplementary Guidance. Paragraph 3.82 of the Proposed Plan discusses the importance of Scottish Government funding in providing affordable housing. This year (2015) funding has outstripped the availability of sites, but it nevertheless remains an important factor. To address this, a broad range of options are proposed in the supporting Supplementary Guidance, as outlined in the text below Policy H5 in the Proposed Plan. These options aim to ease the reliance on government funding and include the transfer of serviced land to the Council.

Thresholds

85, 90, 131: The threshold of five units or more has been set as many of the developments which come forward within the city are smaller brownfield sites or Change of Use developments. To set a target higher than five units would exclude a significant number of developments across the city, and place more reliance on larger developments which can often have significant other developer obligations. The viability of these smaller developments is nevertheless still taken into consideration and there is no requirement for such developments to deliver affordable housing on site. A commuted payment or alternative delivery mechanism can be considered for developments up to 20 units. In line with PAN 2/2010 (RD26) developments of 20 units and above are expected to deliver affordable housing on site. This is done on the basis that 25% of 20 units equates to five affordable units, a figure which would be effectively manageable for any form of affordable housing. Raising the threshold for onsite delivery from 20 to 50 would move away from one of the central tenants of Scottish Planning Policy, creating successful places through sustainable mixed communities. It would also run contrary to PAN 2/2010 which states that “Affordable housing should ideally be integrated into the proposed development and wider community”. These thresholds are also carried over from the extant Local Development Plan 2012.

Active Steps to Support Delivery

90: A number of sites across the city, which are in Council ownership, are being actively progressed with our Housing Team and a new dedicated housing joint venture. This joint venture is one of the mechanisms the Council is proposing to use to close the gap between the 40% identified affordable housing need and the 25% which Policy H5 seeks from private housing developments.

Alternative approaches such as compulsory purchase have not to date been necessary. However this is a mechanism that the Council has and will continue to

consider if it is unlikely that a site is going to come forward for development.

Finally, the identification of sites solely for the delivery of affordable housing is a more complex issue. While some smaller sites, particularly Council owned sites, are being progressed for affordable housing, it is not the Council's Policy to do this on a large scale. The allocation of sites purely for market or affordable housing does not support the Council's aims, or those of Scottish Planning Policy or the Strategic Development Plan, of creating sustainable mixed communities.

Key Workers and Universities

63, 148: Key Worker accommodation is recognised as a growing issue within Aberdeen. It impacts on the ability of a business to both attract and retain staff vital to the success of the region. A number of pilot projects within the city are currently underway and these projects will provide an evidence base which may inform future guidance, but at present no allowance for key worker accommodation has been included within the Housing Needs and Demand Assessment (CD14). These pilot projects will be considered under Categories of Affordable Housing (4) Other Options, within the Proposed Supplementary Guidance on Affordable Housing (CD25). This section identifies that there may be other methods of meeting housing need within the city and that these will need to be considered on an individual basis. The Proposed Supplementary Guidance therefore gives the flexibility to consider such methods. In the absence of an allowance in the HNDA or an evidence base from the pilot projects, it would be premature to form a policy at this stage. The housing needs of universities cut across both Key Worker accommodation, for certain academic and non academic staff, and the student population. Student accommodation is identified as Specialist Housing in Supplementary Guidance (CD25) and is exempt from the requirement to provide 25% affordable housing. To "ring fence" affordable housing requirements from NHS or University developments would not be practical. Unlike housing allocations, the future supply or scale of such development is unknown, as is the level of demand with no allowance made for key workers in the HNDA. Applications will however continue to be examined under the flexibility provided by the Supplementary Guidance and it is the Council's aim to support the NHS and Universities where possible.

Tenure

90: A wide selection of tenures is identified in the Proposed Supplementary Guidance - Affordable Housing and the appropriate tenure for a site is determined on a site by site basis. The preferred option as set out in the Supplementary Guidance is social rent but, as discussed earlier, funding can be an impediment. Other options such as Low Cost Home Ownership and mid market rent are becoming more popular and are also used to get a broader mix of tenures where there is demand. To set a tenure type for each site would be both difficult, due to the time frame for delivery on larger sites, and would impede the flexibility which both the Council and the development industry benefit from.

Supplementary Guidance

149: The review of Supplementary Guidance – Affordable Housing (CD25) is

subject to a separate consultation process, and is not subject to Examination. It is however accepted that the Policy on affordable housing and the supporting Supplementary Guidance are clearly linked and interrelated. The suggestion that the detail from the Supplementary Guidance should be included within the Policy is not supported. As stated earlier the Policy is clear in the requirement expected from all developments. The detail available within the Supplementary Guidance effectively identifies how that should be delivered or how the burden can be reduced by allowing for commuted payments, offsite delivery, different tenure types or indeed instances where viability may call into questions the level of affordable housing contribution. Circular 6/2013: Development Planning (CD10) is also clear that the purpose of Supplementary Guidance is to allow Plans to focus on Vision, the Spatial Strategy, overarching and other key policies and proposals, and allow supporting detail to be provided within Supplementary Guidance. In this case the policy clearly sets out the financial implications of the Policy, with the Supplementary Guidance detailing how the affordable housing can be delivered or how the overall level of contribution can be reduced.

Commuted Payments

90, 98, 136, 149, 157: Commuted payments are the least desirable option to the Council in terms of satisfying the requirements of Policy H5. There are however instances such as in developments of less than 20 units or developments where the 25% results in a fraction of a unit where commuted payments may be the only realistic option. They can also be used to cross subsidise the delivery of units where funding is a constraint. While the review of commuted payments is subject to a separate consultation process, and is not subject to Examination, it clearly cannot be considered in isolation.

The reason for reviewing the commuted payments on an annual basis is to ensure that payment sought is fair and equitable. It is not the desire of the Council to penalise the development industry if the value of land falls or jeopardise development delivery. But equally the Council must be able to use the commuted payment to purchase an alternative site where a development is not providing on site delivery of affordable housing. A commuted payment which does not allow the Council to purchase a comparable site on the open market would clearly not be equitable and any suggestion that affordable housing should be moved to areas where land prices are lower would be contrary to the Scottish Planning Policy's and Strategic Development Plan's aim of creating sustainable mixed communities.

The annual review is to be undertaken by the District Valuers as set out in PAN 2/2010 and details of this will be consulted on as part of the Supplementary Guidance consultation process. An option is also being provided, where a developer disagrees with the commuted payment level for their development, to do an individual site valuation. The suggestion that the Council should revert back to the previous approach to commuted payments is not supported. The previous figure of £25,000 identified in Supplementary Guidance was not based on any evidence base and has remained unchanged for a considerable number of years. The suggested "transaction evidence in the market" is therefore based solely on the markets acceptance of this figure. It cannot be concluded by extension that this is an appropriate figure, only that it is a figure that the market is currently using for

affordable housing sites. The work which was undertaken by the District Valuers Office (RD19) to update these figures shows they were significantly out of date. In a market where the average house price currently stands at £223,291 in the City and £235,361 in Aberdeenshire (RD66), the figure identified in the Supplementary Guidance grossly undervalued the cost of land. As stated earlier, a commuted sum that does not allow the Council to secure a site on the open market is not fit for purpose and to provide flexibility, the option of an individual site valuation is being included where the applicant disagrees with the commuted sum.

Policy H6: Gypsy and Traveller Caravan Sites

100: The Council currently has three sites allocated within Masterplan Zones in the Proposed Plan, one of which, Loriston, has recently been granted planning permission, pending Section 75 legal agreement ([141441](#)). The Council will continue to support the delivery of Gypsy and Traveller Caravan Sites within these Masterplan Zones and outwith these Zones through Policy H6: Gypsy and Traveller Caravan Sites and the Proposed Supplementary Guidance - Gypsy /Traveller Sites (CD25).

Reporter's conclusions:

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Reporter's recommendations:

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| Issue 29 | POLICY NE1: GREEN SPACE NETWORK | |
| Development plan reference: | Page 52, Proposals Map | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Ms Nina Turner of Scottish Natural Heritage (54) Mr George Wood of Old Aberdeen Community Council (100) Mr Anthony Aiken of Colliers International on behalf of MagTaggart and Mickel Homes (123) Clare Pritchett of Scottish Environment Protection Agency (124) Mr Andrew Munnis of Montagu Evans LLP on behalf of M & G Real Estate (127) Ms Meabhann Crowe of Colliers on behalf of AA Webster and Sons (162) Ms Meabhann Crowe of Colliers on behalf of MacTaggart and Mickel Homes and Mr Fabrizio Necchi (163) Mr Simon Pallant of Scottish Government Planning and Architecture Division (164).</p> | | |
| Provision of the Development Plan to which the issue relates: | Provides protection for areas of Green Space and how it should be incorporated within new developments. | |
| Planning authority's summary of the representation(s): | | |
| <p>Green Infrastructure</p> <p>54: In line with national guidance on green infrastructure (Green Infrastructure, Design and Place-Making) there is a need to incorporate green infrastructure and integrate with wider green networks.</p> <p>Policy Should be Fully Implemented</p> <p>100: This Policy should be implemented fully in order to protect vital resources for the enhancement of the quality of life for residents.</p> <p>Flexibility</p> <p>123, 162, 163: The Council have failed to provide real scope within this Policy to allow for development to take place in tandem with enhancements to the Green Space Network.</p> <p>162: Development of land at Derbeth Farm would not erode the character and function of the Green Space Network.</p> <p>163: Development of the land at Bucksburn would not erode the character and function of the Network. Strong links can be provided within a development area thereby creating and enhancing wildlife corridors and extending the overall network.</p> | | |

Waterbodies

124: Welcome the identification of waterbodies as a Green Space Network component.

New River Dee Crossing

127: Transport Scotland are considering several options to add an additional crossing to the River Dee near Bridge of Dee. One option would require land at Garthdee Retail Park, which currently has a Green Space Network zoning.

Community Growing Spaces

164: Scottish Planning Policy states that Local Development Plans should encourage opportunities for a range of community growing spaces. The Proposed Plan, whilst making reference to allotments, does not refer to community growing, which includes community gardens, community orchards, community market gardens and community farms.

Unused or Underused Land

164: Scottish Planning Policy states that "Local development plans should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential which has been identified from being realised." The Proposed Plan does not include text on temporary greening, to comply with this requirement of Scottish Planning Policy.

Modifications sought by those submitting representations:

Green Infrastructure

54: Amend Policy text to read: "Masterplanning/design... briefs for new developments should consider...Masterplans/design briefs will determine"

Flexibility

123, 162, 163: Wording to the following effect should be added to the Policy: "development proposals coming forward on designated Green Space Network sites may be appropriate where such development can be shown to enhance the network and connections therein."

163: Remove the Green Space Network designation at land at Bucksbum to allow for sensitive residential development to take place and green networks to be created and enhanced via a well-designed and appropriate landscape framework.

New River Dee Crossing

127: If the option of the Garthdee Retail site is progressed for the new bridge the Green Space Network designation for this area would need to be reviewed.

Community Growing Spaces

164: On page 52 of the Plan in paragraph 3.96 amend wording to read: "By encouraging connectivity between habitats, the Green Space Network helps to improve the viability of species and the health of previously isolated habitats and ecosystems. An extensive network of open spaces, together with path networks, will also encourage active travel and healthier lifestyles. Protecting and enhancing the Green Space Network will also provide opportunities to enhance the landscape of Aberdeen, improve biodiversity and amenity, provide community growing spaces, reduce the impact of flooding and help us mitigate, adapt to the effects of climate change and support successful placemaking."

On page 54 of the Plan include the following wording at paragraph 3.103 so that it reads: "This Plan aims to ensure that new open space provided as part of new development is functional, useful and publicly desired. For example it may take the form of naturalised areas, green corridors, play space, community growing space or allotments. Rather than provide minimum standards for open space based solely on quantity, requirements are also based on the quality and accessibility of open space."

Unused or Underused Land

164: An additional paragraph should be inserted into the Proposed Plan, on the following lines: "Temporary greening can be an appropriate way to create safe and attractive places prior to the development of sites. The Council will support the use of temporary greening of land awaiting development, where appropriate. Consideration will be given to whether greening of a site could bring about a positive impact to the local environment and overall amenity of the area, without prejudicing the effectiveness and viability of the site, if it is allocated for development in the longer term."

The appropriate location for this additional text could be either: - on page 52, in the section on the Green Space Network - after paragraph 3.95 which refers to enhancing green infrastructure networks ; or - after paragraph 3.98, which refers to opportunities for improvement and enhancement; or - on page 54, in the section on Urban Green Space - after the current paragraph 3.100, which refers to promoting and enhancing open space

Summary of response (including reasons) by planning authority:

Green Infrastructure

54: The Council's view is that it is not necessary to add "design brief" to Policy NE1 as this is covered in the supporting Proposed Supplementary Guidance – Natural

Environment (CD25) on page 273.

Policy should be fully Implemented

100: We consider that the Policy wording is strong enough to enable Planning Officers to implement and enforce the principles effectively and in full.

Flexibility

123, 162, 163: The Green Space Network applies to land that offers significant value to Green Space Network features (habitat, landscape, recreation etc), or land that offers opportunities to link these areas, and therefore enhance their value further. The Policy seeks to protect, promote and enhance these areas. The Council does not feel it is appropriate to add wording that allows the character or function of the Green Space Network to be destroyed or eroded. It should be noted that the Green Space Network Policy is not a prohibitive policy but seeks enhancements, either on their own merits or as part of development opportunities.

162: Issues raised that relate specifically to the land at Derbeth Farm are covered in Issue 8.

163: Issues raised that relate specifically to the land at Bucksburn are covered in Issue 6.

Waterbodies

124: Support for the Policy is welcomed.

New River Dee crossing

127: The Bridge of Dee Study – Scottish Transport Appraisal Guidance (STAG) Report (CD39) is currently underway which will develop options to address the long term need for additional transport capacity across the River Dee. We note that consideration will need to be given to reviewing the Policy Zoning once a potential conclusion has been made and the project comes forward.

Community Growing Spaces

164: To ensure the Policy and supporting text is in accordance with Scottish Planning Policy, paragraph 227 (CD05) then, if the Reporter is so minded, paragraph 3.96 could be amended to read as follows (amendments in bold):

“By encouraging connectivity between habitats, the Green Space Network helps to improve the viability of species and the health of previously isolated habitats and ecosystems. An extensive network of open spaces, together with path networks, will also encourage active travel and healthier lifestyles. Protecting **and enhancing** the Green Space Network will also provide opportunities to enhance the landscape of Aberdeen, improve biodiversity and amenity, **provide community growing spaces**, reduce the impact of flooding and help us mitigate, adapt to the effects of climate

change **and support successful placemaking.**"

The wording "community growing space" could also be added to paragraph 3.103.

Unused or Underused Land

164: There is a request to include text on temporary greening in order to comply with the requirements of Scottish Planning Policy. It is noted that the Proposed Plan was prepared before the publication of Scottish Planning Policy 2014. If the Reporter is so minded the following text could be added after paragraph 3.95:

"Temporary greening can be an appropriate way to create safe and attractive places prior to the development of sites. The Council will support the use of temporary greening of land awaiting development, where appropriate. Consideration will be given to whether greening of a site could bring about a positive impact to the local environment and overall amenity of the area, without prejudicing the effectiveness and viability of the site, if it is allocated for development in the longer term."

Reporter's conclusions:

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Reporter's recommendations:

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| Issue 30 | POLICY NE2: GREEN BELT | |
| Development plan reference: | Page 53, Proposals Map | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Mr William Sell of Craigiebuckler and Seafield Community Council (66) Mr John Findlay of Ryden LLP on behalf of Mr Russell Balsillie and Family (95) Mr Anthony Aiken of Colliers International on behalf of MacTaggart and Mickel Homes (123) Mrs Theresa Hunt of Burness Paull LLP on behalf of Mr Ian Suttie (133) Mr Bob Reid of Halliday Fraser Munro (144) Mr Fraser Littlejohn of Montagu Evans on behalf of E Yule Esq PER Kennedy Consultants (161) Ms Meabhann Crowe of Colliers on behalf of AA Webster and Sons (162) Ms Meabhann Crowe of Colliers on behalf of MacTaggart and Mickel Homes and Mr Fabrizio Necchi (163)</p> | | |
| Provision of the Development Plan to which the issue relates: | Sets out what development will be considered acceptable in the Green Belt | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy should be more Rigorous</p> <p>66: The current Policy does not go far enough in preserving the Green Belt. The Council should be as rigorous as possible in protecting the Green Belt.</p> <p>Policy is Restrictive and Does Not Reflect Scottish Planning Policy</p> <p>95: During the preparation of the Proposed Plan no consideration was given to Green Belt boundaries. The previous Green Belt Review that was undertaken in preparation of the Local Development Plan 2012 was relied upon even though it no longer fully reflected Scottish Planning Policy, which now takes a more relaxed approach. The Land at Murtle Den has the potential to accommodate development without detriment to the immediate areas or the wider setting. Removing it from the Green Belt would create scope for additional development without coalescence between Bieldside and Miltimber. The Green Space Network Policy also provides an additional layer of control and can be maintained notwithstanding the removal of Green Belt.</p> <p>123, 162, 163: The wording of Policy NE2 only partially reflects Scottish Planning Policy, including the requirement for the planning system to be "flexible enough to accommodate changing circumstances and allow the realisation of new opportunities." Policy NE2 does not contain sufficient flexibility to respond to changing circumstances. The current wording is too stringent and acts as a barrier to</p> | | |

development in areas where Green Belt designations are no longer appropriate.

162: Land at Derbeth Farm, where the designation of Green Belt is not in accordance with the overall thrust of the Scottish Planning Policy. This site is a suitable location to absorb development.

163: In relation to the land at Bucksburn, the designation of Green Belt is not in accordance with the overall thrust of the Scottish Planning Policy in relation to appropriateness, expansion of the settlement or boundary markers.

Parklea House, Pitfodels

133: The Proposed Plan identifies Parklea and all land to the rear and east of the house under Policy H1. However, the formal garden ground of Parklea and the related land to the east is covered by the Policy NE2 Green Belt. A Landscape and Green Belt Appraisal of the garden ground of Parklea has been carried out which shows the garden ground does not meet any principles of the Green Belt policy such as to warrant retention of that designation. It demonstrates the removal of the Green Belt designation from Parklea will (1) not affect the important characteristics of the landscape setting of Aberdeen; (2) create a more defensible road boundary to the Green Belt by using an existing road - Baird's Brae and (3) rationalise the Green Belt in this location to reflect the local characteristics of the area.

Lack of Guidance on Sub-Division of Curtilages for Properties in the Green Belt

144: There is a discrepancy between Council advice given to householders in the Green Belt compared to those outside the Green Belt. The Supplementary Guidance on the Sub-Division and Redevelopment of Residential Curtilages is a useful document which sets out guidelines for judging proposals of this nature. It sets a presumption in favour of allowing plot subdivisions provided households meet the criteria. However this only applies to property outside the Green Belt. This is unfair and a contravention of the Human Rights Act 1998. There would have to be a significant and over-riding public interest reason to deny householders their right to sub-divide a plot. Provided the terms of the plot subdivision policy are adhered to, this type of development does not threaten the purpose of the Green Belt.

Small Scale Developments

161: An alternative approach to allowing small-scale development in the Green Belt would be to amend Policy NE2 to allow for appropriate infill development in urban fringe locations. The Policy as currently drafted allows for extensions of existing buildings and replacement on a one-for-one basis. However, such extensions or replacements can often have a greater impact over the development of plots than sensitive infill development. Sensitive infill development within suburban areas can play an important role in providing new homes within existing communities and sharing many of the sustainability credentials that that brings including access to services and communication links.

Modifications sought by those submitting representations:

Policy is Restrictive and does not reflect Scottish Planning Policy

95: The Green Belt zoning between Bielside and Milltimber should be removed and rezoned as an existing residential area under Policy H1.

123, 162, 163: There should be more flexibility in the Green Belt policy to better reflect Scottish Planning Policy.

162: The Green Belt boundary should be reviewed to exclude land at Derbeth to create a stronger boundary in line with the Aberdeen Western Peripheral Route.

163: The Green Belt boundary should be reviewed to exclude land at Bucksburn to create a stronger boundary between the built form and the Green Belt beyond.

Parklea House, Pitfodels

133: The use of the Green Belt policy is not required or justified and conflicts with Scottish Planning Policy which requires the Council to critically review the Green Belt boundaries as part of the Local Development Plan process.

Lack of Guidance on Sub-Division of Curtilages for Properties in the Green Belt

144: The Green Belt Policy should be amended to make possible plot subdivisions within the Green Belt, provided they comply with the criteria set out in the Supplementary Guidance.

Small Scale Developments

161: Amend the Green Belt Policy to allow for appropriate infill development in urban fringe locations.

Summary of response (including reasons) by planning authority:

Policy should be more Rigorous

66: The function of Proposed Plan Policy NE2 is to maintain the distinct identity of Aberdeen and the surrounding areas by clearly defining their boundaries. The Policy safeguards Green Belt land to help avoid coalescence of settlements and sprawling development on the edge of the city, maintaining Aberdeen's landscape setting and providing access to open space. It also directs development to the most appropriate locations such as allocated sites and brownfield sites in the urban area. The Policy offers a strong enough protection of the Green Belt from inappropriate development

in line with paragraph 52 of Scottish Planning Policy (SPP) (CD05).

Policy is Restrictive and Does Not Reflect Scottish Planning Policy

95, 123, 162, 163: The Aberdeen City and Shire Strategic Development Plan (SDP) 2014 (CD12) proposed to not allocate additional greenfield land over and above that already identified in the Aberdeen City and Shire Structure Plan of 2009 (CD20), and the decision to roll over the allocations into the current SDP was accepted by the Reporter during its Examination (CD13). Because of the very limited scope of additional greenfield land release (over and above that already identified in the extant Aberdeen Local Development Plan 2012), the Council did not consider that a review of the Green Belt or Green Space Network was necessary during the preparation of the Proposed Plan. SPP does not contain an automatic requirement to review green belt boundaries, but only when deemed necessary by the Planning Authority (paragraph 50).

Scottish Planning Policy paragraph 52 sets out the type and scale of development that may be appropriate within the Green Belt. New build residential development is not considered to be appropriate. Proposed Plan Policy NE2 Green Belt complies with this stance.

With regards the land at Murtle Den, the site contributes to the landscape setting of the area and should remain as Green Belt. Please see Issue 12 Alternative Sites in Deeside for a further site specific response on this site.

With regards the Derbeth Farm site, the current Green Belt boundary of the Kingswells bypass is both appropriate and easily identifiable. This site should remain as Green Belt. Please see Issue 8 Alternative Sites in Kingswells and Greenferns for a site specific response for this site.

With regards the land at Bucksburn Primary School, the Green Belt boundary is defined by the edge of Bucksburn School and the single track lane to the east. This provides a clearly identifiable and robust boundary. Allowing development on the land to the South of the School would weaken this defensible boundary. The site should remain as Green Belt. Please see Issue 6 Alternative Sites in Dyce, Bucksburn and Woodside for a site specific response for this site.

Parklea House, Pitfodells

133: Parklea forms the western most boundary of the Green Belt on the north side of North Deeside Road and follows the pattern of development and therefore establishes a defensible Green Belt boundary. The Green Belt designation extends to the east and south of the site again reflecting the historic pattern of development of the area, therefore reflecting the local characteristics and maintaining the visual break between the city and Pitfodells. See Issue 12 Alternative Sites in Deeside for a site specific response on Parklea House.

Lack of Guidance on Sub-Division of Curtilages for Properties in the Green Belt

144: The sub-division of gardens and plots is not a Human Rights issue. There is no automatic right for anyone to carry out any development other than rights afforded under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 [\(CD03\)](#). All other development is subject to the requirement for planning permission and any such proposals should be considered against the Development Plan.

The aim of the Green Belt is to maintain the distinct identity of Aberdeen and the communities within and around the city, by clearly defining physical boundaries. The Green Belt directs planned growth to the most appropriate locations and supports regeneration. Some residential curtilages in the Green Belt are large and could accommodate much more than just small scale development and even a single house in the wrong location could have a significant impact in a largely rural setting. It would not be appropriate for the same guidance on the sub-division of curtilages to apply to properties within the Green Belt, and it would be inappropriate for the Green Belt Policy to allow for this. A general relaxation in policy in relation to sub-division of existing feus and new development within the curtilage of existing properties would permit the development of housing in the Green Belt which is not supported by Scottish Planning Policy.

Small Scale Developments

161: Policy NE2 allows for development to take place in the Green Belt on an exceptional basis. One of the reasons for having and safeguarding the Green Belt is to avoid coalescence of settlements and sprawling development on the edge of the city. This helps to maintain the individual identity of settlements, protect their landscape setting and provide access to open space. Allowing for infill development within the Green Belt, even areas classed as 'urban fringes' (of which, incidentally, there is no definition) would compromise these objectives of the Green Belt. It would also be contrary to paragraph 52 of Scottish Planning Policy which states clearly the types of development considered appropriate in Green Belt. It is therefore not considered appropriate to amend Proposed Plan Policy NE2 to allow for such developments.

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| Reporter's conclusions: |
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| Reporter's recommendations: |
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| Issue 31 | POLICY NE3 & NE4: EXISTING AND PROPOSED GREEN AND OPEN SPACE | |
| Development plan reference: | Page 54-55, Proposals Map | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Ms Lorraine Jones of sportscotland (41) Mr John Findlay of Ryden LLP on behalf of Dandara LLP (90) Mr Andrew Munnis of Montagu Evans LLP on behalf of M & G Real Estate (127) Mrs Claire Coutts of Ryden LLP on behalf of NHS Grampian (148) Mr Simon Pallant of Scottish Government Planning and Architecture Division (164)</p> | | |
| Provision of the Development Plan to which the issue relates: | Provides protection for existing areas of greenspace and sets standards for the provision of open space | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy NE3: Urban Green Space</p> <p><u>Scottish Planning Policy Reference to 'Outdoor Sports Facilities'</u></p> <p>41, 164: Scottish Planning Policy refers to 'outdoor sports facilities' which includes playing fields, outdoor athletics tracks, golf courses, outdoor tennis courts and outdoor bowling greens. This is not reflected in Policy and does not give these spaces and facilities the policy protection expected by national policy.</p> <p><u>NHS Provision</u></p> <p>148: Some areas identified are incorrect. NHS Grampian land that is surplus to requirement has been prohibited for development.</p> <p><u>River Dee Crossing</u></p> <p>127: Transport Scotland are considering several options to add an additional crossing to the River Dee at Bridge of Dee. One of the options would require land at Garthdee Retail Park in order for the new crossing to be constructed.</p> <p>Policy NE4: Open Space Provision in New Development</p> <p><u>Open Space Provision</u></p> <p>90: Object to open space requirement of 2.8 hectares per 1,000 people. Promotes a 'one size fits all' approach, contradicts other parts of the Policy and ignores the Open Space Audit.</p> | | |

Brownfield Sites

90: Distinction needed for brownfield sites in urban areas with reduced open space provision compared to greenfield.

Modifications sought by those submitting representations:

Policy NE3: Urban Green Space

Scottish Planning Policy Reference to 'Outdoor Sports Facilities'

41, 164: Make reference to 'Outdoor Sports Facilities' instead of 'playing fields/sports pitches' and include the Scottish Planning Policy definition of 'outdoor sports facilities' in the glossary. Part 7 of the Policy should read as follows: 'Proposals to develop Outdoor Sports Facilities, including playing fields and sports pitches, should also be consistent with the terms of Scottish Planning Policy'.

NHS Provision

148: Provision made within the Policy for the sensitive development of land within the NHS estate.

River Dee Crossing

127: If this option is progressed, Policy NE3 would need to be reviewed.

Policy NE4: Open Space Provision in New Development

Open Space Provision

90: Delete the requirement to provide at least 2.8 hectares per 1,000 people of meaningful and useful open space in new residential development.

Summary of response (including reasons) by planning authority:

Policy NE3: Urban Green Space

Scottish Planning Policy Reference to 'Outdoor Sports Facilities'

41, 164: Two respondents have requested that reference is made to the 'Outdoor Sports Facilities' term used within Scottish Planning Policy 2014 (CD05). If the Reporter is so minded, the point could be clarified within the Policy so that criterion 7 reads: "Proposals to develop Outdoor Sports Facilities, including playing fields and

sports pitches, should also be consistent with the terms of Scottish Planning Policy."

NHS Provision

148: Policy NE3 aims to safeguard areas of Urban Green Space from development, unless replacement provision is provided according to the criteria set out in the Policy. It is aligned with Scottish Planning Policy paragraphs 225-227 through seeking enhancement and promoting new spaces for a range of uses, such as green infrastructure, recreation, play, sports and allotments. The Policy allows for exceptions where an equivalent and equally convenient and accessible area for public use is laid out, therefore, the Council does not consider there a need to provide provision for the sensitive development of NHS land. Nor is it appropriate to amend established policy based on land ownership considerations. This issue was previously addressed during the Main Issues Report, in Issue 22 (CD29). The Policy wording was amended, from the extant Local Development Plan 2012, to improve clarity and ensure Planning Officers are able to implement it as intended.

River Dee Crossing

127: The Bridge of Dee Study – Scottish Transport Appraisal Guidance (STAG) Report (CD39) is currently underway which will develop options to address the long term need for additional transport capacity across the River Dee. We note that consideration will need to be given to reviewing the policy zoning once a potential conclusion has been made and the project comes forward.

Policy NE4: Open Space Provision in New Development

Open Space Provision

90: The Council does not consider the open space requirements to be a 'one size fits all' approach. The Proposed Open Space Supplementary Guidance, paragraph 8.4.3, (CD25) contains further information on Policy NE4, including the type of developments where the open space standards apply and explains that the level of necessary provision will be applied pro rata. Aberdeen's Open Space Audit 2010 (CD41) has identified a need for higher quality and more accessible open space and where it demonstrates that the minimum quantity of accessibility standards are met by existing provision, then raising the quality of that provision may be required instead. It is important to provide outdoor, recreational space for communities and it is for these reasons that minimum open space standards have been set for new development.

Brownfield Sites

90: The Proposed Supplementary Guidance on Open Space and Green Infrastructure (CD25), paragraph 8.4.4, contains details for open space requirements in brownfield development. It states that 'it may not always be appropriate to apply the minimum standards for open space to brownfield developments and that the Council may instead seek a contribution to off-site open space enhancements.' A distinction has already been made, therefore, the Council does not feel further

details are required.

Reporter's conclusions:

Reporter's recommendations:

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| Issue 32 | POLICY NE5 & NE8: NATURAL ENVIRONMENT | |
| Development plan reference: | Page 56, 60, 61, Constraints Map | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Ms Nina Turner of Scottish Natural Heritage (54) Mr William Sell of Craigiebuckler and Seafield Community Council (66) Clare Pritchett of Scottish Environment Protection Agency (124) Mr Ian Cowe of Forestry Commission Scotland (126) Mr Andrew Munnis of Montagu Evans LLP on behalf of M & G Real Estate (127) Mr Simon Pallant of Scottish Government Planning and Architecture Division (164) Mr Simon Pallant of Scottish Government Planning and Architecture Division on behalf of Forestry Commission Scotland (166)</p> | | |
| Provision of the Development Plan to which the issue relates: | Provides protection for trees and woodland; avoid or reduce negative impacts on natural heritage | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy NE5: Trees and Woodland</p> <p><u>Compensatory Planting</u></p> <p>54: The Scottish Government's Control of Woodland Removal Policy sets out the role compensatory planting can make to mitigating woodland removal. Suggest that not explicitly mentioning the role of compensatory planting does not reflect national policy. Policy text at paragraph 3 should be amended.</p> <p><u>Woodland</u></p> <p>126, 166: Recommend more detail is drafted into policy and themes from National Planning Framework 3 and Scottish Planning Policy should be built in, specifically: 1) The principle of woodland expansion 2) General presumption in favour of protecting woodland resources 3) Protection and expansion of priority habitats.</p> <p>66: A woodland strategy should be formalised and planting and felling policies established.</p> <p><u>River Dee Crossing</u></p> <p>127: M & G Retail are owners of land at Garthdee Retail Park and one of the options for an additional crossing to the River Dee would require land under owner's control.</p> <p>Policy NE8: Natural Heritage</p> | | |

Support

124: Request additional wording and support the reference to Construction Environment Management Plans. Support the protection of peat and carbon rich soils protecting waterbodies and promoting their enhancement.

Geodiversity

54: Preamble in paragraph 3.119 should be amended. Geodiversity should be recognised in this Policy.

National Designations

54: The wording does not apply the level of protection required by Scottish Planning Policy. The third paragraph regarding national designations (including SSSIs) ends by stating that adverse effects would be acceptable if benefits are of city-wide importance. This is inconsistent with the policy for national designations set out in paragraph 212 of SPP, which states that benefits in such cases must be of national importance.

Non-Bird Species

54: The second paragraph refers to a survey being carried out but does not refer to a Protection Plan. The Policy should seek first to avoid the need for species licenses by requiring species Protection Plans to be submitted with planning applications. The Policy should comply with the Wildlife and Countryside Act 1981 by limiting derogation to non-bird species, hence the suggestion to include the words 'non-bird species'.

Peatland and Carbon Rich Soils

54: Scottish Planning Policy does not prohibit development affecting peatland or carbon rich soils.

Natura

164: The second paragraph should add that development that would have an adverse impact will only be permitted where compensatory measures are provided to ensure that the overall coherence of the Natura network is protected. The policy should be amended to ensure it is in accordance with Scottish Planning Policy.

Modifications sought by those submitting representations:

Policy NE5: Trees and Woodland

Compensatory Planting

54: Where trees may be impacted a Tree Protection and Mitigation Plan will need to be submitted and agreed before development activity begins. This should include details of compensatory planting, temporary earth works and site preparation.

River Dee Crossing

127: If this option is progressed Policy NE5 would need to be reviewed within the immediate location as the character would change with the construction of a new bridge.

Wording Amendments

166: Policy NE5 and the supporting text should be amended to cover the following: -
The principle of woodland expansion - General presumption in favour of protecting woodland resources - Protection and expansion of priority habitats

Policy NE8: Natural Heritage

Text Amendments

54: Amend the text in paragraph 3.119, second sentence as follows: "All new development should seek to protect geodiversity and enhance biodiversity."

Amend the text in the third paragraph, final sentence to read: ". . .they must be clearly outweighed by social, environmental or economic benefits of national importance."

Amend the text in the second paragraph of the protected species section to read: "Development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary. Development likely to have a detrimental impact on protected species will not be approved unless; for European protected species, a thorough assessment of the site has demonstrated that the development is required for imperative reasons of overriding public interest and the population is maintained at a favourable conservation status in its natural range; or, for non-bird species protected under the Wildlife and Countryside Act 1981 (as amended) or the Protection of Badgers Act 1992, there will be significant social, economic or environmental benefits. In either case there must also be no other satisfactory solution. Please see relevant Supplementary Guidance for more information regarding Protected Species and licensing."

Replace "development which could involve draining or disturbing peatland or carbon-rich soil will be refused" with "there will be a presumption against development which would involve significant drainage or disturbance of peatland or carbon-rich soil." In addition reference should be made to mapping for carbon-rich soils, deep peat and priority peatland habitat as provided by the SNH Carbon and Peatland Map.

124: Request additional wording to Policy NE8 carbon-rich soils as follows: "New development should avoid areas of peatland or carbon-rich soil. Development which

would involve draining or disturbing peatland or carbon-rich soil will be refused unless appropriate mitigation is agreed by the Planning Authority in consultation with SEPA”.

The following text should be incorporated into the Policy: "There is a presumption against development which would impact on groundwater dependent terrestrial ecosystems."

The following text should be added: “A Construction Environmental Management Plan may be required to address any ‘potential’ negative impacts on designated sites, protected species, ‘peatlands or carbon rich soils, waterbodies or local biodiversity’ during the construction phase of a development.”

164: The final sentence of the second paragraph of Policy NE8 should be amended as follows: "Development that would have an adverse effect will only be permitted where there are no alternative solutions and there are imperative reasons of overriding public interest, including those of a social or economic nature, and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected."

Summary of response (including reasons) by planning authority:

Policy NE5: Trees and Woodland

Compensatory Planting

54: Scottish Planning Policy (SPP) (CD05 paragraph 218) states that "Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting." In order to reflect SPP more comprehensively if the Reporter is so minded the text ‘compensatory planting’ could be added to the last sentence of the third paragraph of the Policy so it reads: "This includes **compensatory planting**, temporary earth works and any site preparation." This will ensure the Policy reflects national policy, and in particular the Scottish Government’s Control of Woodland Removal Policy.

River Dee Crossing

127: The Bridge of Dee Study – Scottish Transport Appraisal Guidance (STAG) Report (CD39) is currently underway which will develop options to address the long term need for additional transport capacity across the River Dee. We note that consideration will need to be given to reviewing the policy zoning once a potential conclusion has been made and the project comes forward.

Woodland

126, 166: The Council takes the view that Scottish Planning Policy will be considered alongside local policy and that Policy NE5 does broadly reflect the

themes covered in SPP. Where paragraph 217 of SPP says that "planning authorities should seek opportunities to create new woodland", Policy NE5 reflects this approach through paragraph two by stating that "appropriate measures should be taken for the protection and long term management of existing trees and new planting." The Policy takes a general presumption in favour of protecting woodland through the first paragraph of the Policy which states: "There is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation." In relation to the protection and expansion of priority habitats the Proposed Supplementary Guidance - Natural Heritage (CD25) covers the protection of habitats through paragraph 8.1.5, therefore it is deemed unnecessary to include these details within Policy NE5.

Woodland Strategy

66: Currently, there is the 'Forest and Woodland Strategy for Aberdeenshire and Aberdeen City' (RD30) and the intention is to review this Strategy in due course. This review could take the form of a stand-alone strategy or integration into a wider climate adaptation strategy. The work is on-going however it will undoubtedly include revised planting and re-stocking policies and be adopted as a Council strategy.

Policy NE8: Natural Heritage

In light of the comments made in relation to compliance with Scottish Planning Policy, if the Reporter is so minded the following amendments could be made to the Policy and accompanying text:

54: The term 'geodiversity' can be added to the last sentence in paragraph 3.119 to read: "All new development should seek to **protect geodiversity and** enhance biodiversity." This will align with the terminology used in the Natural Heritage Supplementary Guidance.

54: The term '**national importance**' can replace 'city-wide importance' in the last sentence of the third paragraph of Policy NE8 to apply the level of protection required by Scottish Planning Policy.

54: The Council considers that the second paragraph in the Protected Species section of Policy NE8 provides adequate requirements to avoid the need for species licenses. However, it is acknowledged that further details in relation to non-bird species could be of benefit as well as stronger emphasis on protection. It is felt that the level of detail expressed in the representation would be best addressed in the Supplementary Guidance on Natural Heritage.

54: It is considered that the suggested text on carbon rich soils is reasonable. Reporters may wish to consider replacing "development which could involve draining or disturbing peatland or carbon-rich soil will be refused" with "**there will be a presumption against** development which would involve significant drainage or disturbance of peatland or carbon-rich soil."

124: The reference to appropriate mitigation in relation to peatland or carbon-rich soil is already addressed through point 1 of the Policy. Therefore, the Council does

not feel it necessary to add additional text. It is felt that the supporting text, in particular paragraph 3.120 "the need for healthy ecosystems", the Policy and Supplementary Guidance combined provide adequate protection for groundwater dependent terrestrial ecosystems.

124: The following text could be added: "A Construction Environmental Management Plan may be required to address any 'potential' negative impacts on designated sites, protected species, 'peatlands or carbon rich soils, waterbodies or local biodiversity' during the construction phase of development."

164: The reference to compensatory measures in the second paragraph of Policy NE8 is already addressed through points 1, 4 and 5 of the Policy. It is felt that this reflects Scottish Planning Policy. Therefore, the Council does not feel it necessary to add additional text.

Reporter's conclusions:

Reporter's recommendations:

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| Issue 33 | POLICY NE6 & NE7: FLOODING, AND COAST PLANNING | |
| Development plan reference: | Page 58-59 | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Ms Nina Turner of Scottish Natural Heritage (54) Mr William Sell of Craigiebuckler and Seafield Community Council (66) Ms Susanne Stevenson of Scottish Water (76) Clare Pritchett of Scottish Environment Protection Agency (124) Mr Simon Pallant of Scottish Government Planning and Architecture Division (164)</p> | | |
| Provision of the Development Plan to which the issue relates: | Ensures no negative impact from flooding due to development; Assess development on coastal areas | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy NE6: Flooding, Drainage and Water Quality</p> <p><u>Policy Approach</u></p> <p>66: The Policy should be rigorously applied to developments. Support the presumption against excessive engineering and culverting of watercourses. Hazlewood development is an example of a failure to implement the Policy. Applications should include a Water Management Plan.</p> <p><u>Sewers for Scotland</u></p> <p>76: Preamble (page 57) - note that Sewers for Scotland 3rd Edition now released.</p> <p><u>Wording of Policy and Text</u></p> <p>124: Object and request several amendments as follows: The end of sentence at point 4 to be removed. If development requires new flood defences then there is a strong flooding risk; Paragraph 3.112 incorrectly implies that all flood risk can be managed through SUDS. Request text to clarify and reflect Supplementary Guidance; Recommend inserting text in relation to the functional floodplain; and insert waterbodies so it reads "...presumption against excessive engineering and culverting of waterbodies."</p> <p><u>Support</u></p> <p>66, 124, 76: Support the presumption against excessive engineering and culverting of watercourses. Support precautionary approach to flood risk, use of SUDS and protection and improvements to waterbodies.</p> | | |

Policy NE7: Coastal Planning

National Marine Plan

54, 164: Currently no reference to the National Marine Plan. The preamble to the Policy should reflect this.

Marine Noise Modelling

54: Marine noise modelling only required for certain developments and not all.

Modifications sought by those submitting representations:

Policy NE6: Flooding, Drainage and Water Quality

Sewers for Scotland

76: Update references to Sewers for Scotland 3rd Edition.

Wording of Policy and Text

124: Text changes: The following of the end of sentence, point 4 to be removed: "that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse."

Following text is added: Development on the functional floodplain will only be permitted where its location is essential for operational reasons "and it must be designed and constructed to remain operational during floods and not impede water flow."

Text amendment: There is a presumption against excessive engineering and culverting of "waterbodies."

Amendment to paragraph 3.112: Sustainable Drainage Systems (SuDS) provide multiple benefits including managing "surface water" flood risk. . .

Policy NE7: Coastal Planning

National Marine Plan

54: Amend text in paragraph 3.116, sentence 2 to read: "The National Marine Plan, published by the Scottish Government in March 2015, sets out strategic policies". The statement regarding the role of Supplementary Guidance should be revised in light of the publication of the National Marine Plan to avoid the suggestion that it has no current application. Amend text in paragraph 3.117 to clarify that the National Marine Plan applies from Mean High Water Springs to avoid implication that the principles of integrated zone management is the only management direction which

apply in the intertidal area.

Marine Noise Modelling

54: Amend text to read: "Development proposals may be required to demonstrate through appropriate marine noise modelling that the adverse impacts on bottlenose dolphins and Atlantic salmon are avoided."

Summary of response (including reasons) by planning authority:

Policy NE6: Flooding, Drainage and Water Quality

Support

66, 124, 76: The support for the Policy is welcomed.

Policy Approach

66: The Policy is clear about managing and reducing flood risk by ensuring that new development does not take place on areas susceptible to flooding without the need for the inclusion of Water Management Plans. This was dealt with during the planning application process for the Hazlewood site mentioned ([130820](#)).

Sewers for Scotland

76: While the policy makes reference to 'Sewers for Scotland 2 and its successors' in paragraph 3.114 we will amend this to read "Sewers for Scotland 3 and its successors". We will make this change as a Non-Notifiable Modification (CD26).

Wording of Policy and Text

124: Policy NE6 is in accordance with Scottish Planning Policy (CD05) and in particular paragraph 255 which states that "the planning system should promote flood reduction: assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection. .." The policy is clear about avoiding development in areas at risk from flooding and the Council is of the opinion there is not a requirement to remove the end of the sentence at point 4.

The Proposed Supplementary Guidance: Flooding, Drainage and Water Quality (CD25) includes more information to support Policy NE6. It stipulates that in relation to flood risk it is important to consider siting, design and in some cases the overall principle of development in a certain location. Further to that it also encourages pre-application advice from the local authority. Therefore the Council does not feel it is necessary to emphasise further detail in relation to the functional floodplain.

There is a request to alter "watercourses" to "waterbodies" in Policy NE6 so it reads: "There is a presumption against excessive engineering and culverting of

waterbodies". We will make this change as a Non-Notifiable Modification (CD26).

It is not considered that paragraph 3.112 implies that all flood risk can be managed through Sustainable urban Drainage Systems (SuDS) but rather it reflects Scottish Planning Policy paragraph 255, in promoting the avoidance of surface water flooding through the requirements of Sustainable urban Drainage Systems in all new development.

Policy NE7: Coastal Planning

National Marine Plan

54, 164: It is noted that the Proposed Plan was prepared before the adoption of the National Marine Plan 2015 (RD15). If the Reporter is so minded, the Council would accept the need to make two amendments to the text on page 56. The first is to update the relevant reference in paragraph 3.116, sentence two to read as follows: "The National Marine Plan, published by the Scottish Government in March 2015, sets out strategic policies. . ." The second is to amend the text in paragraph 3.117 to clarify that the National Marine Plan applies from Mean High Water Springs as set out in Circular 1/2015 (RD22). The sentence could read: "Terrestrial planning law extends to the mean low water mark of ordinary spring tides, whereas, marine spatial planning applies from Mean High Water Springs."

Marine Noise Modelling

54: If the Reporter is so minded, the council would accept the need to make a small amendment to point 4 in the policy text, replacing the word 'will' with 'may', to read as follows: "Development proposals **may** be required. . ."

Reporter's conclusions:

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Reporter's recommendations:

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| Issue 34 | POLICY R2, R3 & R4: CONTAMINATED LAND, AND WASTE | |
| Development plan reference: | Page 63-66 | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Kris Furness of SITA UK (91) Clare Pritchett of Scottish Environment Protection Agency (124) Mr Fraser Littlejohn of Montagu Evans LLP on behalf of Buccmoor LP (160)</p> | | |
| Provision of the Development Plan to which the issue relates: | Remediation of contaminated land; identifying and safeguarding sites for waste related uses and identifying criteria for waste facilities within different developments. | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy R2: Degraded and Contaminated Land</p> <p>124: Request text is added into Policy to clarify the Scottish Environment Protection Agency's position.</p> <p>Policy R3: New Waste Management Facilities</p> <p>91: Endorse the general direction of the "Waste Management Facilities" section. Highlights that reference is made to minimising transport of waste from its source (paragraph 3.128 and Policy R3) but Scottish Planning Policy places an emphasis on need over proximity.</p> <p>Policy R4: Sites for New Waste Management Facilities</p> <p>91: Strongly support Policy R4 and the allocation of land at OP54 for a waste facility.</p> <p>124: Support Policy R4 and the identification of waste management facilities to support the delivery of the Zero Waste Plan objectives including an energy from waste facility with potential links to users.</p> <p>160: More explicit references should be made to qualify the nature and extent of use of the Household Waste Recycling Centre at OP13.</p> | | |
| Modifications sought by those submitting representations: | | |
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Policy R2: Degraded and Contaminated Land

124: Request the following text (in capitals) is inserted into Policy R2 to clarify the Scottish Environment Protection Agency's position:

The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals. THE CITY COUNCIL WILL LIASE WITH SEPA Where there is potential for pollution of the water environment AND/OR SEPA HAS A REGULATORY ROLE AT THE SITE OR WITH THE DEVELOPMENT PROPOSED.

Policy R4: Sites for New Waste Management Facilities

160: Make more explicit references to the nature and appropriateness of any such uses across the site being determined/guided by the Development Framework for OP13. The process may determine that other sites are more appropriate for any such development.

Summary of response (including reasons) by planning authority:

Policy R2: Degraded and Contaminated Land

124: Whilst the Scottish Environment Protection Agency's (SEPA's) suggested amendments do not constitute a change in policy direction, it is not considered necessary to expand the scope in which the Planning Authority will consult with SEPA. The circumstances in which SEPA must be consulted prior to determining an application is embodied in statute (including but not exclusively The Development Management Procedure (Scotland) Regulations 2013 (Schedule 5) (RD11). The current inclusion of text within the Policy relating to liaison with SEPA is not intended to be an exhaustive list.

Policy R3: New Waste Management Facilities

91: Endorsement is noted.

Whilst it is accepted that paragraph 3.128 and Policy R3 refer to minimising transport from its source this is not considered contrary to Scottish Planning Policy (CD05).

Policy R3 also specifies that proposals for waste management facilities must "meet a clear need for the development to serve local and/or regional requirements for the management of waste" (criterion 2). Scottish Planning Policy paragraph 182 (CD05) also states that the planning system should support the provision of a network of infrastructure and advises that as the network grows there will be scope for giving

greater weight to proximity in identifying suitable locations for new waste facilities.

Aberdeen City Council are expanding upon their existing network of infrastructure and whilst emphasis is placed on need, proximity to waste arisings is a legitimate consideration as per Policy R3.

Policy R4: Sites for New Waste Management Facilities

91, 124: Support is noted. Facilities at Proposed Plan Sites OP54 and OP107 are key priorities of the Aberdeen City Waste Strategy 2014 - 2025 (RD31) - Site specific comments are covered in Issue 13: Loirston and Cove.

160: A response to comments relating to the location of the recycling centre within Opportunity Site OP13 is dealt with in Issue 3: Allocated Sites in Bridge of Don/Grandhome.

Reporter's conclusions:

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Reporter's recommendations:

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| Issue 35 | POLICY R7 & R8: EFFICIENT AND RENEWABLE DEVELOPMENTS | |
| Development plan reference: | Page 66-69 | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Mr John Handley of John Handley Associates Ltd on behalf of Shell UK Limited (38) Ms Nina Turner of Scottish Natural Heritage (54) Mr William Sell of Craigiebuckler and Seafield Community Council (66) Ms Susanne Stevenson of Scottish Water (76) Mr John Findlay of Ryden LLP on behalf of Stewart Milne Homes (85) Mr John Findlay of Ryden LLP on behalf of Dandara LLP (90) Clare Pritchett of Scottish Environment Protection Agency (124) Mr Blair Melville of Homes for Scotland (149) Ms Emelda Maclean of Emac Planning LLP on behalf of Scotia Homes (152) Mr Simon Pallant of Scottish Government Planning and Architecture Division (164) Mr Ben Freeman of Bancon Developments (183)</p> | | |
| Provision of the Development Plan to which the issue relates: | Requirements to reduce carbon emissions using low and zero carbon generating technology, and water efficiency, and assess applications for renewable and low carbon energy schemes. | |
| Planning authority's summary of the representation(s): | | |
| <p>Policy R7: Low and Zero Carbon Buildings and Technology</p> <p><u>General Comments</u></p> <p>66, 76, 124: Support for the Policy.</p> <p>66: Suggest that the Policy it is not being applied by developers.</p> <p><u>Cost, Complexity and a Fabric First Approach</u></p> <p>85, 90,149,152: Object to the Policy on the grounds of cost and complexity.</p> <p>85,152,183: The issues should be addressed through a fabric first approach.</p> <p><u>Building Standards</u></p> <p>85, 90,152,183: This issue should be dealt with through Building Standards.</p> <p>152,183: The fifth annual report on the operation of the Climate Change Act</p> | | |

suggests that the planning system may not need the Low and Zero Carbon Generating Technology requirement in the face of future Building Standards review which will potentially examine 'net zero carbon standard' and 'nearly zero energy'.

Allowable Solutions

152: That Low and Zero Carbon Generating Technology is not sustainable and that the policy pre-empts research underway and proposals such as 'Allowable Solutions'.

Policy Wording Contradiction in Policy

183: The first sentence of the Policy is ambiguous, as it reads as requiring emissions reductions additional to targets specified by Building Standards. This is contrary to paragraph 3.139 of the supporting text.

149,183: The wording is contrary to the Climate Change Act. Compliance with the current Building Standards is sufficient to achieve a reduction.

Policy Should be Updated to Reflect Building Standards and Scottish Planning Policy

164: Suggestion that paragraph 3.137 of the Plan should be amended to reflect the introduction of the new Building Standards in October 2015 and paragraph 3.136 of the Plan should be amended to reflect a change in current Scottish Planning Policy in relation to energy efficiency. Policy should include future targets and more detail from the Supplementary Guidance should be in the Policy.

164: Suggestion that the Policy should include at least one increase in the proportion of emissions to be saved through the use of Low and Zero Carbon Generating Technology..

54: The requirements of the Policy should be written into the Policy not just the Supplementary Guidance and the requirements should match those of the Aberdeenshire Gold sustainability level for domestic buildings and Building Research Establishment Environmental Assessment Methodology level 5 standard for non-domestic buildings.

Terminology

54: It is noted that Scottish Environment Protection Agency issue 'abstraction licences' not 'extraction licences'.

Water Abstraction from the River Dee SEA

54: Suggest that the Local Development Plan must ensure no increase in the level of water being abstracted from the River Dee (Submission also made to Issue 44: Habitats Regulation Appraisal).

Policy R8: Renewable and Low Carbon Energy Developments

Support

124: Support for the policy.

Safety Consultation Zones

38: Policy should be amended to make reference to the Pipeline Consultation Zones.

Wording

164: The term “negatively impact” should be altered in criteria 2 and 3 of the Policy as a development may have some negative impact but in the round be acceptable.

164: The term 'areas of search' in paragraph 3.142 of the Proposed Plan should be replaced with 'Group 3: Areas with potential for wind farm development' in line with Scottish Planning Policy.

Modifications sought by those submitting representations:

Policy R7: Low and Zero Carbon Buildings, and Water Efficiency

85, 90: Re-written to focus only on those matters which can be directly influenced or delivered by the planning system. Specifically, the targets set for CO2 reduction, achieved by installing low and zero carbon generating technologies in new developments, should be removed.

152: Policy R7 should align with the building standards and should accord with current policy thinking, including that of the Scottish Government, on energy reduction targets. A flexible planning policy approach should be adopted in accordance with the principles of 'Fabric First + LZCT + Allowable Solutions' and not dictated by a single restrictive policy approach which may not be achievable and would be unlikely to provide for a solution that can be fulfilled on all sites.

149: First sentence: delete "must install Low and Zero-Carbon Generating Technology (LZCGT) to reduce the predicted carbon dioxide emissions by at least 20% below that." Replace with "must meet at least 20% of the carbon dioxide emissions reduction target by installing Low and Zero-Carbon Generating Technology (LZCGT)". Add additional sentence: "planning conditions may be used to deliver this policy while the detailed design and technical matters are being considered through the Building Standards process."

183: Policy R7 should be amended to read: “All new buildings must meet the Building Standards energy requirement. In complying with the Building Standards, they must meet a proportion of the carbon dioxide emissions Target by installing Low

and Zero Carbon Generating Technologies. The proportion of the reduction which is met by Low and Zero Carbon Generating Technologies will be determined on a site by site basis by the Building Standards and will change over time as the Building Standards are updated in 2015 and 2019. Planning conditions may be used to deliver this Policy while the detailed design and technical matters are being considered through the Building Standards process.”

54: Add text to the Policy outlining the requirement for Gold sustainability level for domestic buildings and Building Research Establishment Environmental Assessment Methodology level 5 standard for non-domestic buildings from the date of the adoption of the Plan. Amend the text in paragraph 3.140 and in Policy R7 to remove the word ‘extraction’ and replace this with ‘abstraction’.

164: The third sentence of paragraph 3.137 should be amended to read as follows: "While the 30% improvement applies from October 2010, in view of the economic downturn, Scottish Ministers requested that the Sullivan Panel reconvene to revisit some of their original recommendations. The output was the publication of a 2013 update to the Sullivan Report. In accordance with recommendations of the update, revised building standards will be introduced from October 2015." If the above amendment is inserted then the fourth sentence of paragraph 3.137 is no longer necessary and should be deleted.

The final sentence of paragraph 3.136 should be removed and replaced with: "Scottish Planning Policy supports the planning system in reducing emissions and energy use in new buildings, promoting development that is resource efficient, and maximises the efficiency of the use of resources through natural or technological means."

The first sentence of Policy R7 should be amended to read as follows: "All new buildings, in meeting building regulations energy requirements, must install Low and Zero Carbon Generating Technology (LZCGT) to ensure they provide for at least 20% of the carbon dioxide savings required by the Scottish Building Regulations at the time of the application"

The final sentence of the first paragraph of Policy R7 should be amended to read as follows: "This percentage requirement will be increased as specified in the table below". Insert Table 1 from Aberdeen Local Development Plan draft Supplementary Guidance ‘Topic Area 9 – Resources, Energy and Resources.’

54: “To avoid having to increase the amount of water Scottish Water are licensed to take from the River Dee, as a result of the new developments proposed in the Plan. For all new developments to use water-saving technology.”

Policy R8: Renewable and Low Carbon Energy Developments

38: A new criteria should be inserted as point 5 within Policy R8 which states, “Any turbines proposed within Pipeline Consultation Zones must accord with the requirements of the Health and Safety Executive's PADHI Guidelines and the Guidance prepared by the United Kingdom Onshore Pipeline Operator's Association (UKOPA) regarding the siting of wind turbines close to high pressure pipelines.

Further details are set out in the Supplementary Guidance on Wind Turbine Development.”

164: We recommend that the wording in Policy R8, parts 2 and 3 is changed from: Criteria 2 - "Do not negatively impact on air quality". Criteria 3 - "Do not negatively impact on tourism". to Criteria 2 - "Do not result in a significant adverse impact on air quality". Criteria 3 - "Do not result in a significant adverse impact on tourism".

In paragraph 3.142 the term "areas of search" should be replaced with: "Group 3: Areas with potential for wind farm development".

Summary of response (including reasons) by planning authority:

Policy R7: Low and Zero Carbon Buildings, and Water Efficiency

Section 72 of the Climate Change (Scotland) Act (RD07) is clear in relation to the requirement for Local Development Plans to incorporate Low and Zero Carbon Generating Technology (LZCGT) within developments. While Scottish Planning Policy 2010 (RD20) paragraph 44 directly supported this, the extant Scottish Planning Policy 2014 (CD05), paragraphs 152 to 168, do not directly reference LZCGT and put greater emphasis on reducing demand and on energy saving or “fabric first” approaches. This reflects recommendations from expert groups such as the Sullivan Panel (RD21) and many representations from the development industry.

As such the Proposed Plan and the supporting Proposed Supplementary Guidance ‘Topic Area 9 – Resources for New Development’ (CD25) must take a pragmatic approach. The Proposed Plan is clear in the requirement for LZCGT and this will also be referenced within the Supplementary Guidance with increasing LZCGT targets. However, the Supplementary Guidance also recognises that if better performance can be reached through a “fabric first” approach, this will be supported in line with Scottish Planning Policy (CD05) and the Sullivan Panel’s recommendations (RD21). While the aim of the consultation on the Supplementary Guidance will be to strike a balance that will address these differing approaches, the Proposed Plan must include LZCGT requirements in line with the Climate Change (Scotland) Act (RD07).

General Comments

66, 76, 124: Support for the Policy is welcomed. Concern over the application of the Policy is noted. While the Policy has been implemented it is recognised that in its current format the policy is very complex, as are the calculations to show compliance with the Policy. The policy has been amended to help reduce this complexity while marrying a strong requirement to support a reduction in emissions. Supplementary Guidance will also be revised to reflect this including future targets for emissions reductions.

Cost and Complexity

85, 90, 149, 152, 183: Section 72 of the Climate Change (Scotland) Act 2009 (RD07) is clear in requiring all developments identified in the Local Development Plan, to "avoid a specified and rising proportion of the projected greenhouse gas emissions from their use...through the installation and operation of Low and Zero-Carbon Generating Technologies". The complexity and associated cost of the technology is however recognised. The current Scottish Planning Policy (SPP) (CD05) places greater emphasis on energy efficiency over LZCGT and paragraph 154 of SPP notes the importance of energy efficiency, heat recovery, and efficient energy supply and storage. Proposed Supplementary Guidance Resources for New Development (CD25) in support of this Policy will include an option to satisfy Policy R7 by other means that achieve a CO2 saving greater than that required by the Policy. This is to be carried over from the current Supplementary Guidance which currently includes this option. In this way developments can satisfy the requirements of SPP through passive means, such as a fabric first approach, while still satisfying the requirements of the Climate Change (Scotland) Act 2009 by reducing greenhouse gas emissions.

Building Standards

85, 90, 152, 183: As noted above, the Climate Change (Scotland) Act 2009 (RD07) is clear on the requirements set for local authorities in relation to LZCGT. It is recognised that the current Policy R7: Low and Zero Carbon Buildings, in the extant Local Development Plan 2012 (CD42) is complex, as is the process to show compliance. The proposal in the Proposed Plan to make the policy requirement a percentage of the current Building Standard is hoped to simplify the process. Allowing for energy saving alternatives through Supplementary Guidance is also being considered, as this is identified in Scottish Planning Policy. The suggestion that the fifth annual report on the operation of the Climate Change (Scotland) Act 2009 questions the need for the LZCGT requirement with future improvements in Building Standards is noted. Until such time as the Climate Change (Scotland) Act 2009 is changed or other guidance is provided by Scottish Government, Local Authorities are required to comply with the Act. As noted earlier, it is however proposed that alternative means of satisfying the Policy such as fabric first will be considered as part of a Supplementary Guidance consultation.

Allowable Solutions

152: Allowable Solutions have been suggested by the Sullivan Panel (RD21) as a possible option to satisfy Section 72 of the Climate Change (Scotland) Act 2009. To date there is no policy on this issue and Scottish Planning Policy does not include this as an option. As such there is currently no option of using such solutions to satisfy the Policy. If this situation were to change these could be included within Supplementary Guidance and therefore could be addressed in the intervening period between Local Development Plans. This would however only be possible where specific direction was given from the Scottish Government.

Wording

183: The Policy on LZCGT is a complex issue involving several different policy strands including the Climate Change (Scotland) Act 2009, Building Standards, and Scottish Planning Policy, as well as review groups such as the Sullivan Panel. Many

of these have had a significant impact on the Proposed Plan in the intervening period since the Main Issues Report consultation 2014. While the overarching aim of these national policies is the same, to reduce our impact on climate change, they operate to different time frames and have different primary objectives. An example of this can be seen in the difference between Section 72 of the Climate Change (Scotland) Act 2009 and Scottish Planning Policy. The Climate Change (Scotland) Act 2009 requires Local Development Plans to include policies requiring all developments identified in the Plan to "avoid a specified and rising proportion of the projected greenhouse gas emissions from their use...through the installation and operation of Low and Zero-Carbon Generating Technologies". While the previous Scottish Planning Policy from 2010(RD20) reflected this closely, the current SPP has changed the emphasis to reducing the need for energy through energy saving measures such as a fabric first approach.

Contradiction in Policy

149, 183: The concern over an impression of ambiguity between the first sentence of the Policy and paragraph 3.139 of the supporting text is noted. The extant Local Development Plan 2012 (CD42) set a target of achieving a 15% reduction in CO2 emissions over the 2007 Building Standards (RD12). To show compliance with this Policy a complex set of calculations involving the 2007 Building Standards, the building standards applicable at the time of the application (with and without LZCGT) and a percentage calculation between the results was required. The outcome of this was significant confusion from the development industry. To simplify this process, and in discussions with our Building Standards service, paragraph 3.139 was used to set out the Council's aim of making the CO2 reduction a percentage of the Building Standard applicable at the time of the application.

This approach also allows Building Standards to support the Council's Development Management Team in assessing submissions and engages Building Standards at an earlier stage. This also aligns with the approach of our neighbouring Local Authority, Aberdeenshire Council, and a simplified calculation process as well as future reduction targets will be included in a revised Supplementary Guidance.

The Respondent has noted that the first line of the Policy suggests the reduction is "additional to targets specified by Building Standards", this was not the aim of the Policy as clearly set out in paragraph 3.139. However it is recognised that the inclusion of the word "below", a carry-over from Policy R7: Low and Zero Carbon Buildings, of the extant Local Development Plan 2012, can be construed as an additional target. As noted earlier, any modification that can bring clarity to a complex issue is welcomed. The clarity sought by the Respondent is reasonable. If the Reporter is so minded the sentence could be amended to substitute "below" for "of" thereby reflecting the supporting text of the policy.

Changes in Relation to Scottish Planning Policy

183: The suggestion that paragraph 3.137 of the Proposed Plan should be amended is noted. The proposed change does not appear to correct any inaccuracy in the Proposed Plan and would remove reference to the Strategic Development Plan in the final sentence. As such this is seen as retrograde step in terms of setting the

document in context. The proposed change is therefore not supported.

The suggestion that paragraph 3.136 of the Plan should be amended to reflect a change in the current Scottish Planning Policy (CD05) in relation to energy efficiency is noted. The modification seeks to replace the final sentence of the paragraph. This sentence references the active support shown for Low and Zero Carbon Generating Technology in the previous Scottish Planning Policy 2010 (RD20) paragraph 44, which in turn supported Section 72 of the Climate Change (Scotland) Act (RD07). As the explicit support for LZCGT has been removed from the current Scottish Planning Policy (CD05) paragraph 152 to 168, the modification sought by the respondent in relation to paragraph 3.136 is reasonable. If the Reporter is so minded the sentence could be amended as indicated above.

Policy should Include Future Targets and More Detail from the Supplementary Guidance should be in the Policy

54, 164: The suggestion that the Policy should include future increases in the emissions savings and more detail of the Policy is not supported. As noted earlier, and in a number of submissions, there have been changes in both Policy and recommendations from expert groups such as the Sullivan Panel since the adoption of the extant Local Development Plan 2012. These include a change in Scottish Planning Policy from directly referencing LZCGT to an emphasis on energy efficiency and heat recovery, and greater emphasis in the Sullivan Report on a fabric first approach. By including future increases in supporting Supplementary Guidance it allows the flexibility to react to any future changes identified by Scottish Government. The issue of suggested changes to the target requirements of the Policy will be considered within the review of the Supplementary Guidance but it is the view of the Council that this should align with Aberdeenshire Council's Policy where possible.

54: The suggestion that more detail from the Supplementary Guidance should be included in the Policy would run contrary to Planning Circular 6/2013: Development Planning (CD10). The Circular is clear that the purpose of Supplementary Guidance is to allow Plans to focus on Vision, the Spatial Strategy, overarching and other key policies and proposals, and allow supporting detail to be provided within Supplementary Guidance. The Policy in this case sets out the requirements and the Supplementary Guidance will detail the options available for satisfying the Policy.

Incorrect Terminology

54: The incorrect use of the term 'extraction' in place of 'abstraction' is noted. This change has been made as a Non-Notifiable Modification by the Planning Authority, as is highlighted in CD26.

Water Abstraction from the River Dee SEA

54: This issue has been dealt with under Issue 44: Habitats Regulation Appraisal.

Policy R8: Renewable and Low Carbon Energy Developments

Support for the Policy

124: Support for the Policy is welcomed.

Safety Consultation Zones

38: Concern over the Pipeline Consultation Zones is noted. These Zones are shown on the Proposed Plan's Additional City Wide Proposals Map (CD24) and are considered through the planning application process as set out in Proposed Plan Policy B6 – Pipelines, Major Hazards and Explosives Storage Sites. There is therefore no need for each individual Policy to highlight the Consultation Zones as under Policy B6 all development which is subject to the planning process, and that is notifiable to the Health and Safety Executives, is screened against any impact on these Zones during the planning process.

Wording of the Policy

164: The recommendation that the term 'areas of search' in paragraph 3.142 of the Proposed Plan is replaced with 'Group 3: Areas with potential for wind farm development' is noted. This change has been made as a Non-Notifiable Modification by the Planning Authority, as is highlighted in (CD26).

Reporter's conclusions:

Reporter's recommendations:

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| Issue 36 | POLICY CI1: DIGITAL INFRASTRUCTURE | |
| Development plan reference: | Page 69 | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| Ms Emelda Maclean of Emac Planning LLP on behalf of Scotia Homes (152) Mr Simon Pallant of Scottish Government Planning and Architecture Division (164) | | |
| Provision of the Development Plan to which the issue relates: | Promote digital infrastructure in new residential and commercial developments | |
| Planning authority's summary of the representation(s): | | |
| <p>152: It is unreasonable for the planning system to expect that all new residential and commercial development have high speed communication infrastructure. This does not satisfy Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Funding and mechanism's are already in place for this infrastructure at a national level with Fibre To The Cabinet.</p> <p>164: The Plan does not encourage opportunities for home-working, live-work units, micro-businesses and community hubs.</p> | | |
| Modifications sought by those submitting representations: | | |
| <p>152: Delete the Policy</p> <p>164: Amend the Plan to include supportive text to encourage opportunities for home-working, and live-work units, micro-businesses and community hubs in order to reflect paragraph 95 of Scottish Planning Policy.</p> | | |
| Summary of response (including reasons) by planning authority: | | |
| <p>152: The Vision and Objectives for the Proposed Plan are the same as in the Aberdeen City and Shire Strategic Development Plan (SDP) 2014 (CD12). The role of the Strategic Development Plan is to "set clear parameters for subsequent Local Development Plans and inform decisions about strategic infrastructure investment." (Circular 06/2013 (CD10) Paragraph 41). It sets a clear strategy for development in Aberdeen. An objective of the Strategic Development Plan is to promote economic growth with one of the targets being, "For all new development to have the use of modern, up-to-date high-speed telecommunications networks, such as fibre optics." (page 25).The Proposed Plan reflects this requirement through Proposed Policy CI1.</p> | | |

It also reflects the policy principles supporting digital connectivity in paragraph 293 of Scottish Planning Policy (CD05) and the development planning requirements set out in paragraph 297.

164: The Plan does not preclude/prejudice/prevent the development of home-working, and live-work units, micro-businesses and community hubs. Proposed Policy CI1 indirectly supports this by providing opportunities for flexible working arrangements as is outlined in the Policy preamble in paragraph 3.143.

Reporter's conclusions:

Reporter's recommendations:

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| Issue 37 | PROPOSALS MAPS | |
| Development plan reference: | City Wide Proposals Map, Additional City Wide Proposals Map and City Centre Proposals Map | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Mr Ken Hutcheson (9) Mr Mike Williams of Scott Hobbs Planning on behalf of Scottish Enterprise (120) Mr Christopher Ross of Barratt North Scotland (125) Mr Colin Lavety of Barton Willmore on behalf of Aberdeen Harbour Board (137) Mr Kenneth Hutcheon (182)</p> | | |
| Provision of the Development Plan to which the issue relates: | City Wide Proposals Map, Additional City Wide Proposals Map and City Centre Proposals Map | |
| Planning authority's summary of the representation(s): | | |
| <p>Aberdeen Western Peripheral Route</p> <p>9: Maps 1-5 give an unrealistic and false impression of the roads transport infrastructure due to the omission of the Aberdeen Western Peripheral Route.</p> <p>Cross Boundary Issues</p> <p>120: To provide a clear context consideration needs to be given to expressing the interdependency with the Aberdeenshire area, by indicating the locations of the important Strategic Growth Zones, policy zones and employment areas. Areas where there are cross overs should be shown on the Proposals Maps.</p> <p>As Energetica extends in to the City and Shire all plans showing Energetica should show that part within the neighbouring authority.</p> <p>Sites</p> <p>120: Remove zoning B2 from the Aberdeen Energy Park and reallocated as B1. Planning Permission in Principle (131483) was approved for the extension to the Aberdeen Energy Park to allow for development of Class 4, 5 and 6 uses.</p> <p>125: Object to Non-Allocation of B0924, Thornhill and non-allocation of B0306 Newton East.</p> <p>Coastal Management Areas</p> <p>137: The 'Developed Coastal Management Areas' and the 'Undeveloped Coastal Management Area' appear to be drafted the wrong way round.</p> | | |

Core Paths

137: The Core Path will be need to be diverted around the new harbour.

182: Query the Core Paths strategy in the Proposed Plan Map and the Supplementary Guidance. There appears to be a Core Path through Queens Cross/Harlaw Community Council; it turns right at Anderson Drive and down to Queens Road then straight onto Union Street. However, having walked the route there is little that can be described as a Core Path, especially when compared to the description by Scottish Government in 'Core Paths Plans - A Guide to Good Practice'.

Modifications sought by those submitting representations:

Cross Boundary Issues

120: Wider context to the City Wide Proposals Map including identification of Energeica and other growth areas, and the entirety of allocations, where sites are bisected by the Councils' boundary lines.

Sites

120: Rezone the Energy Park as B1.

125: Remove Newton East and Thornhill from Green Belt and rezone as LR1.

Coastal Management Area

137: The Legend on the Additional City Wide Proposals Map should be amended to reverse the colours used to indicate areas of 'Developed Coastal Management Area' and 'Undeveloped Coastal Management Areas'. These should be denoted in the Legend as dark green and light green respectively.

Core Paths

137: Amend the maps to show the Core Path network being outwith the area proposed as operational Harbour.

182: Clarification and correction to Core Paths information.

Summary of response (including reasons) by planning authority:

Aberdeen Western Peripheral Route

9: It may be that the Respondent is referring to the maps in the Main Issues Report as they do not show the line of the Aberdeen Western Peripheral Route (AWPR). However the line is shown on the Proposed Plan Proposals Map and the Compulsory Purchase Areas are shown on the reverse Additional City Wide

Proposals Map (CD23 and CD24).

Cross Boundary Issues

120: It is considered that the City Wide Proposals Map provides an adequate representation of the Spatial Strategy in that it shows the allocations, Opportunity Sites and zonings for the whole city area. There are no settlements bisected by the city boundary, although two Opportunity Sites at OP53 Aberdeen Gateway and OP34 East Arnhall comprise developments that extend into Aberdeenshire. The boundary and extent of Energetica is shown in the Proposed Supplementary Guidance on Energetica (CD25). It is considered that the Aberdeen City and Shire Strategic Development Plan 2014 (CD12) is the appropriate vehicle for showing cross boundary issues.

Sites

120: The policy zoning of Aberdeen Energy Park in Bridge of Don is dealt with in Issue 3 Allocated Sites in Bridge of Don/Grandhome.

125: The site at Newton East is dealt with under Issue 8 Alternative Sites Kingswells and Greenferns. The site at Thornhill is dealt with under Issue 12 Alternative Sites Deeside.

Coastal Management Areas

137: This is a drafting error on the key of the Additional City Wide Proposals Map. The Council will correct this error as a Non-Notifiable Modification (CD26).

Core Paths

137: The Proposed Plan shows the current Core Path network as outlined in the Core Path Plan 2009 (RD35). The diversion of Core Paths is not dealt with through the Proposed Plan but through a separate statutory process – specifically the Land Reform Act 2003.

182: The urban routes included in the Core Path Plan are mainly concentrated on existing streets that pass by or link visitor attractions such as those promoted through the City Trails leaflets. The route described is Core Path 96 Castlegate to Anderson Drive. This passes through many City Centre and West End neighbourhoods and is a key strategic link from the City Centre towards the paths network on the west of the City. Various schools and other facilities and services are located along the way. The route provides access to various sites of historical and cultural importance, including destinations on Aberdeen's Granite and Sculpture Trails.

Reporter's conclusions:

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| Reporter's recommendations: |
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| Issue 38 | APPENDIX 1 - BROWNFIELD SITES | |
| Development plan reference: | Pages 77-78 | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| Mr John Findlay of Ryden LLP on behalf of Stewart Milne Homes (85) Mr George Wood of Old Aberdeen Community Council (100) | | |
| Provision of the Development Plan to which the issue relates: | Lists Brownfield Sites | |
| Planning authority's summary of the representation(s): | | |
| <p>Appendix 1 – Brownfield</p> <p>85, 100: Table 1 and 2 in Appendix 1 dealing with brownfield sites require to be updated. Table 2 is based on the 2011 Housing Land Audit when the more recent 2014 Audit is available. Many of the sites listed already have approved planning consent and are being developed. These should not be counted as available sites and the table should be updated to reflect the current status.</p> | | |
| Modifications sought by those submitting representations: | | |
| <p>85: The following sites should be removed for the reasons stated:</p> <ul style="list-style-type: none"> • Bankhead Academy- to be redeveloped for a new primary school; • Bankhead Infant School- to be retained for education; • Causewayend Primary School- to be redeveloped for student accommodation; • Dunbar Halls- to be retained by the University of Aberdeen for its own use; • John Street- to be redeveloped to provide student accommodation; and, • Craigieburn House- restricted to over 55's. | | |
| Summary of response (including reasons) by planning authority: | | |
| <p>Appendix 1 – Brownfield</p> <p>85, 100: The Tables presented in this Appendix will always show a snapshot in time as new applications and new proposals for these sites come forward. It is inevitable that more, as yet unidentified, brownfield sites will continue to emerge over the lifetime of the Local Development Plan, and that some of the sites identified will be</p> | | |

developed out. We will continue to monitor ongoing consents and brownfield potential through regular updates of the Brownfield Potential Study.

Table 1 is taken from the Brownfield Potential Study 2014 (CD36) and Table 2 is based on the Housing Land Audit from 2011 (RD37) as that is the baseline information that is used by the Aberdeen City and Shire Strategic Development Plan (SDP) 2014 (CD12) in setting out the housing allowances in Schedule 1 (page 42).

Our response to Issue 2 - Housing Land Supply discusses our approach to meeting the targets for brownfield land set by the SDP. The SDP identifies the number of brownfield units required for Aberdeen City in its Schedule 1. These are over and above those units identified as being part of the effective supply of 2011. The list of sites and numbers identified in Appendix 1 Table 2 of the Proposed Plan are those which have been given planning consent since 2011 but do not include any of the 1188 units considered effective by the 2011 Housing Land Audit. They are therefore eligible to be counted towards meeting the targets set by the SDP.

Section 2.2 of the Brownfield Potential Study shows that brownfield housing completions have averaged 688 a year for the period 1993 to 2013. Only for the three years following the financial crash (2008-10) have there been fewer than 500 brownfield units completed (which is what the SDP requires).

Reporter's conclusions:

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Reporter's recommendations:

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| Issue 39 | APPENDIX 2 - OPPORTUNITY SITES | |
| Development plan reference: | Pages 79-90 | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Mr John Handley of John Handley Associates Ltd on behalf of Shell UK Limited (38) Ms Nina Turner of Scottish Natural Heritage (54) Mrs Caroline Nutsford of GVA Grimley Ltd on behalf of Telereal Trillium (78) Mr John Findlay of Ryden LLP on behalf of Stewart Milne Homes (85) Mr Alasdair Morrison of GVA James Barr on behalf of Leto Limited (89) Mr Malcolm Campbell of Knight Frank LLP on behalf of Moorfield Group Limited (94) Mr Chris Pattison of Turnberry Planning Ltd on behalf of The Grandhome Trust (101) Mrs Elaine Farquharson-Black of Burness Paull LLP on behalf of North East Scotland College (109) Clare Pritchett of Scottish Environment Protection Agency (124) Mrs Theresa Hunt of Burness Paull LLP on behalf of Aberdeen Football Club (146)</p> | | |
| Provision of the Development Plan to which the issue relates: | List the Opportunity Sites | |
| Planning authority's summary of the representation(s): | | |
| <p>Pipeline Consultation Zones</p> <p>38: Specific reference to, and standardized wording used, to draw attention to Policy B6 and the Pipeline Consultation Zone and PADHI Guidelines should be made in Appendix 2 to sites OP23: Dyce Drive, OP24: A96 Park & Ride, OP34: East Arnhall, OP44: North Last Quarry, and OP63: Prime 4 Business Park Phase 5 Extension. If any site boundaries are reviewed or any new or expanded development allocations made following Examination then full recognition must be given to the existence of any Pipeline Consultation Zones and development allocations, and new development must be undertaken in accordance with PADHI Guidelines.</p> <p>Strategic Environmental Assessment Mitigation</p> <p>54: The Respondent considers that a link should be provided between this part of the Local Development Plan and the Strategic Environmental Assessment. Appendix 2 includes some mitigation measures for allocated sites under 'Other factors'. However there is a danger that the further mitigation measures set out in the SEA (especially within Appendix 4b Greenfield Preferred Options) and Appendix 5b Brownfield Preferred Options) will get overlooked, if not listed here.</p> <p>Flooding</p> <p>85: The "Other Factors" relative to sites OP30, Kingswells D and West Huxterstone and OP38, Countesswells should be up-dated to reflect that permissions are in place</p> | | |

and flood risk issues have been satisfactorily addressed.

128: Object to the following Opportunity Site allocations unless the following text is added to OP1, OP24, OP31 and OP80: "Flood Risk Assessment required to accompany development proposals".

128: Recommend that text to identify that surface water flooding may be an issue at the following sites (OP75, OP86, OP32, OP108, OP107, OP110 and OP35) and that any Drainage Impact Assessment should address this issue is incorporated into the Proposed Plan.

128: Support the identification of potential flood risk and the requirement for flood risk assessments.

Retail

89: The Plan does not offer a list of proposed retail allocations.

OP52 Malcolm Road, Peterculter

54: This site is included in the Ancient Woodland Inventory (Long established of plantation origin) and the Scottish Semi-Natural Woodland Inventory. Although part of it appears to have been cleared in the recent past, approximately 80% of the woodland remains intact. The cleared area would be unlikely to be able to accommodate the number of houses currently proposed.

The Scottish Government's Control of Woodland Removal Policy includes strong presumptions in favour of protecting Scotland's woodland resources and against removing ancient semi-natural woodland. The policy also states that woodland removal should be allowed only where it would 'achieve significant and clearly defined additional public benefits'. It is not clear how the proposal meets that test or any of the other 'acceptability criteria for woodland removal' in Annex C of the policy. Even if it did, the policy still requires appropriate compensatory planting is carried out, which is not an explicit requirement for this site.

OP52 Woodend, Peterculter

54: The woodland within this site is included in the Ancient Woodland Inventory and the Scottish Semi-Natural Woodland Inventory. It is also part of Aberdeen City Green Network. The Scottish Government's Control of Woodland Removal Policy includes strong presumptions in favour of protecting Scotland's woodland resources and against removing ancient semi-natural woodland.

Although the allocation does not necessarily imply woodland will need to be removed, it is difficult to see how 19 houses could be accommodated without some level of impact on the woodland. In addition, the woodland is also part of Aberdeen's Green Space Network. As such (in line with Policy NE1) this development is required to "maintain and enhance the coherence of the network. In doing so, provision should be made for access across roads for wildlife and outdoor recreation".

OP62: Nigg Bay Harbour Expansion

54: Text should be added to allow for the Habitats Regulations Appraisal (HRA) conclude there will be no adverse effects on the integrity of Natura sites.

Land at Froghall Terrace

78: Land at Froghall Terrace should be retained as an Opportunity Site. The site is existing OP104 in the current Local Development Plan. The western part has been built out as a residential development by Barratt Homes. The site is identified as mixed use; the Main Issues Report Schedule 4 stated site OP104 will be retained as a brownfield opportunity site. The site is in a highly sustainable location, and is capable of being redeveloped and delivered in the Plan period. There is potential for student accommodation or residential development.

OP9 Grandhome

101: Grandhome Trust objects to the description of OP9 in terms of the level of retail floor space which identifies that Grandhome Town Centre will comprise approximately 7,500 square metres in retail floor space. The wording is contradictory to the intention of Proposed Policy NC8.

The figure in Appendix 2 is significantly below that which has been approved in the Planning Permission in Principle and does not align with the details in the Grandhome Development Framework.

OP87 Pittodrie Park

146: Aberdeen Football Club welcomes the allocation of OP87 for a proposed residential development. Planning Permission in Principle has been granted and the redevelopment of Pittodrie stadium is linked to the construction of a new stadium on site OP59.

OP3 Findlay Farm, Murcar

94: Reference relating to Scottish Enterprise's involvement should be deleted and all remaining references in the plan correctly refer to the site being the Aberdeen Energy Park. Scottish Enterprise no longer have involvement at the Energy Park.

OP62: Nigg Bay Harbour Expansion

54: The recommended text should be added to allow for the Habitats Regulations Appraisal (HRA) to conclude there will be no adverse effects on the integrity of Natura sites.

Modifications sought by those submitting representations:

Pipeline Consultation Zones

38: Wording modified in Appendix 2 for OP23: Dyce Drive, OP34: East Arnhall and OP44: North Last Quarry and wording added to Appendix 2 for OP24: A96 Park and Ride and OP63: Prime 4 Business Park Phase 5 Extension. The text should read: "The site lies within a pipeline consultation zone and all development should conform to the terms of Policy B6: Pipelines, Major Hazards and Explosive Storage Sites".

Strategic Environmental Assessment Mitigation

54: Under 'Other Factors 'add the text: "(see also mitigation requirements in SEA Environmental Report)"

Flooding

128: Object to the following Opportunity Site allocations unless the following text is added to OP1, OP24, OP31 and OP80: "Flood Risk Assessment required to accompany development proposals".

128: Recommend that text to identify that surface water flooding may be an issue at the following sites (OP75, OP86, OP32, OP108, OP107, OP110 and OP35) and that any Drainage Impact Assessment should address this issue is incorporated into the Proposed Plan.

OP52: Malcolm Road, Peterculter

54: We advise that: The number of houses proposed for this site be reduced to a number that could be accommodated in the area currently cleared of trees. If housing is allocated for the area that has been cleared, a Site Brief and a Woodland Management Plan should be required to secure the protection and management of the remaining woodland in the longer term.

OP109: Woodend, Peterculter

54: We advise that the boundary of this site allocation is redrawn to exclude remaining areas of woodland. An alternative approach to securing the woodland would be for the Plan to require a Development Brief to be provided that would set out how the existing woodland within the site would be protected and managed in the long term for the benefit of the residents and the wider public.

Land at Froghall Terrace, Aberdeen

78: Identify the site as a brownfield Opportunity Site. The delineation of the site from the extant Local Development Plan could be amended to remove the western part which has now come forward as residential development.

OP9 Grandhome

101: Request that the details in Appendix 2 are amended to reflect the Development Schedule submitted as part of the Planning Permission in Principle which indicates approximately 20,000 square metres of retail floor space, and in turn warrants the Tier 2 Town Centre status sought.

OP5 Balgownie Centre, Bridge of Don

109: Appendix 2, page 79, should refer to the planning permission for the demolition of the existing college buildings and the erection of 30 dwelling houses, 42 townhouses and 99 flats, together with car parking and public open space which was issued on 11 June 2013.

OP87 Pittodrie Park

146: The extant planning permission should be noted in the description of OP87 on page 89.

OP3 Findlay Farm, Murcar

94: The reference to "Aberdeen Science and Energy Park" under OP3 Findlay Farm in Appendix 2 - Opportunity Sites should be deleted and replaced with "Aberdeen Energy Park".

OP62: Nigg Bay Harbour Expansion

54: The following text should be added: "No adverse effect on the integrity of Moray Firth SAC through construction or operational activities causing non-physical disturbance to bottlenose dolphin due to elevated underwater noise and vibration levels, and also the displacement of prey species. No adverse effect on the integrity of the River Dee SAC through construction or operational activities affecting the qualifying interests or the habitats supporting them (including water quality)."

Summary of response (including reasons) by planning authority:

Pipeline Consultation Zones

38: Pipelines will continue to be protected through Proposed Plan Policy B6 and it is not considered necessary to add a specific reference to this Policy within the 'Other Factors' column in relation to the sites mentioned. Pipelines are already clearly marked on the Proposed Plan Additional City Wide Proposals Map for consideration by Planning Officers, and therefore the need to consider Policy B6 is highlighted.

Strategic Environmental Assessment Mitigation

54: A decision has been taken by the Council to include the Strategic Environmental Assessment (SEA) Mitigation measures within the Proposed Action Programme (CD21) in order to afford greater flexibility. We also consider that it would have been premature to state the mitigation measures through the Proposed Plan given as the SEA Environmental Report is technically not finalised and hasn't been approved.

Flooding

85: With reference to OP30: Kingswells D and West Huxterstone and OP38: Countesswells, it is not considered appropriate to document that planning permission has been achieved and flood risk issues have been addressed on these sites as development on these sites has not been completed.

128: With regards the suggestion from the Respondent that additional text regarding Flood Risk Assessments is added to sites OP1, OP24, OP31 and OP80, the suggested wording seems reasonable if the Reporter is so minded to include the text into the 'Other Factors' column.

The Council also considers the suggestion to highlight that surface water flooding may be an issue at Sites OP75, OP86, OP32, OP108, OP107, OP110 and OP35 to be reasonable and, if the Reporter is so minded, would be content for additional wording referring to the need for this matter to be addressed via a Drainage Impact Assessment to be included in the 'Other Factors' column.

Retail

89: The Schedule makes it clear which sites are allocated for retail and it is considered that, although a separate list may be helpful, it is unnecessary. There is no reason for the Council to do this for retail, and not for other uses.

OP52: Malcolm Road, Peterculter

54: A detailed response to matters raised in relation to this site is provided in Issue 11. Any development would be required to mitigate for loss to established Woodland and comply with Policy NE5 of the Proposed Plan. These issues do not preclude development and can be dealt with at the planning application stage. The site's capacity in terms of the number of houses to be developed is indicative and will only be finalised after any Masterplan / planning application is approved. There is no over-riding justification for altering what is stated or shown in the Proposed Plan. The issues raised in regard to compensatory planting have been dealt with under Issue 33.

The Council takes the view that Scottish Government Policy will be considered alongside local policy and that Policy NE5 does broadly reflect this. The Policy takes a general presumption in favour of protecting woodland through the first paragraph of the Policy which states: "There is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation." Policy NE5 then goes on to state that "appropriate

measures should be taken for the protection and long term management of existing trees and new planting.”

As this site is to be developed for more than 50 homes, the developer will be required to prepare a Masterplan prior to applying for planning permission. At the start of the Masterplanning process, consideration has to be given to retention of existing trees and the planting of new trees. Initial surveys should examine the existing tree cover and how this relates to existing trees on adjacent sites. The issues raised in regard to compensatory planting have been dealt with under Issue 33.

Regarding the Green Space Network, the terms of Policy NE1 make it clear that it is for the Masterplanning process to determine this in detail. In doing so, it should reflect the particular purpose and function of the green space designation and the circumstances of each site.

OP109: Woodend, Peterculter

54: A detailed response to matters raised in relation to this site is provided in Issue 11.

Land at Froghall Terrace

78: The Opportunity Site designation has been removed from this site as a reasonable proportion of the site benefits from planning permission, with construction underway. It is noted that the Respondent has suggested that the site is capable of being redeveloped and the Council agrees with this statement. The Respondent suggests that the site may be suitable for student accommodation or residential development, both of which could be considered as an appropriate use in the context of the existing Mixed Use Allocation. Although Officers may have considered carrying forward the OP Site during its consideration of the responses received at Main Issues Report stage (CD29), it is now no longer considered that the remaining part of the site (i.e. that area not subject to planning permission) in itself warrants designation as an individual Opportunity Site.

OP9 Grandhome

101: It is not considered that there is a need to include details of individual Development Frameworks or planning permissions within this Appendix. The Development Framework referred to is currently [Supplementary Guidance](#) to the extant Aberdeen Local Development Plan 2012 and the Council would intend to readopt this document as Supplementary Guidance to the next Local Development Plan, as outlined in Appendix 4 of the Proposed Plan. Specific details regarding retail provision are present, and therefore approved, within this document. With regards the Respondent’s comment that the detail in this Appendix is contrary to Policy NC8, we would disagree as the intention of this Policy is to allow the provision of new retail development to serve the larger Masterplan Zones, such as Grandhome.

OP5 Balgownie Centre, Bridge of Don

109: It is not considered that there is a need to include details of individual planning permissions within this Appendix.

OP87 Pittodrie Park

146: It is not considered that there is a need to include details of individual planning permissions within this Appendix.

OP3 Findlay Farm, Murcar

94: This change has been made as a Non-Notifiable Modification by the Planning Authority, as is highlighted in CD26.

OP62: Nigg Bay Harbour Expansion

54: Nigg Bay Harbour Expansion is identified in National Planning Framework 3 (CD04) as a project of national importance. The Proposed Plan has therefore supported the delivery of the project through its identification within the Plan as an Opportunity Site, OP62, and supporting Policy B5 Aberdeen Harbour. The project is also being supported by the creation of a [Development Framework](#) and subsequent Masterplans which we would intent to adopt as Supplementary Guidance to the Proposed Plan further to its adoption. These processes allow for detailed scrutiny of the project by the public, prescribed bodies and the Planning Authority.

It would be impractical to insert the suggested paragraph into Appendix 2. It is likely that a development of this scale will have some impact on the Moray Firth Special Area of Conservation and the River Dee Special Area of Conservation. Table 4.3 of the attached Habitats Regulations Assessment (CD27) to the Proposed Plan identifies the risks and notes the mitigation measures required, including: "Phasing to allow impacts to be adequately managed, insuring adequate infrastructure is in place for each phase of development and that the relevant HRA and EIA for individual developments address there likely impacts."

Reporter's conclusions:

Reporter's recommendations:

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| Issue 40 | APPENDIX 3 - INFRASTRUCTURE REQUIREMENTS FOR MASTERPLAN ZONES | |
| Development plan reference: | Pages 91-93 | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Ms Susanne Stevenson of Scottish Water (76) Mr John Findlay of Ryden LLP on behalf of Stewart Milne Homes (85) Mr Chris Pattison of Turnberry Planning Ltd on behalf of The Grandhome Trust (101) Mrs Claire Coutts of Ryden LLP on behalf of NHS Grampian (148) Mr Blair Melville of Homes for Scotland (149) Mr Ben Freeman of Bancon Developments (183)</p> | | |
| Provision of the Development Plan to which the issue relates: | Lists Infrastructure Requirements for the Masterplan Zones | |
| Planning authority's summary of the representation(s): | | |
| <p>General</p> <p>148: Action Programme and Local Development Plan need to be consistent. Stoneywood has been removed from the Action Programme as a Masterplan Zone but it is still identified in Appendix 3.</p> <p>Cumulative Transport Infrastructure</p> <p>183: It is not clear from the text what this is. On the basis that it is a reference to the Supplementary Guidance on Strategic Transport Fund (STF), it should be noted that the 'schemes' which STF fund are not listed in the Supplementary Guidance. This requires to be clarified so that there is clearly no overlap with the requirements listed under 'Roads' or 'Public Transport' and accordingly no 'double counting' of contributions.</p> <p>Update to Reflect Masterplans/Planning Permissions/Legal Agreements</p> <p><u>General</u></p> <p>149: Appendix 3 sets out obligations for Masterplan areas. These are all sites allocated in the extant Local Development Plan 2012. However, the developer requirements have changed and increased since 2012 which is unacceptable in a context where landowners and developers are well-advanced with Masterplans and Section 75 negotiations.</p> <p><u>Roads</u></p> <p>101: The Grandhome Trust has undertaken extensive assessment and negotiation and propose revised wording for Grandhome Masterplan Zone in line with the</p> | | |

Planning Permission in Principle.

Education

183: Various educational requirements are highlighted for the Maidencraig Masterplan Zone. However this has been overtaken by events and the Section 75 associated with the planning application for the site sets out the final requirements.

Health

85: The infrastructure requirements for Masterplan Zones need to be up-dated in respect of health.

85: Countesswells should be amended to reflect the scale of provision agreed through the Section 75 agreement which significantly exceeded the initial anticipated requirements.

85: Friarsfield should be deleted as the medical centre at Cults is privately owned and developers should not be expected to fund such businesses.

148: Amendments to reflect changes in NHS Grampian's requirements since the extant Local Development Plan was prepared and followed through to Action Programme.

Strategic Wastewater Infrastructure

76: Scottish Water is exploring opportunities to deliver a more holistic approach to providing strategic wastewater infrastructure as well as water infrastructure to meet the cumulative demands of developments.

Modifications sought by those submitting representations:

Update to Reflect Masterplans/Planning Permissions/Legal Agreements

General

149: Revert to the requirements for Masterplan areas set out in the current adopted Plan.

Roads

101: Modify Appendix 3 in respect of Masterplan Zone:

"Localised road upgrades as set out in Planning Permission in Principle Ref 131535 with regards to site OP9 in addition to any supplementary requirement as identified for site OP8 - East Woodcroft North."

Health

85: Reflect scale of provision of provision agreed through the Section 75.

148: Amendments to "Health" section of Appendix 3. The respondent has highlighted amendments from Proposed Plan in bold:

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| <p>Extension (s) to Primary Care facilities such as Bridge of Don Clinic, Scotstown Medical Practice and Oldmachar Medical Practice within the development catchment area to accommodate additional GP's, support Staff and other primary care support services. One new Community Pharmacy.</p> | <p>Zone 1 – Dubford OP10 (and contribution from other residential site at East Woodcroft North OP8, Dubford Community Facilities OP4, Balgownie Centre OP5, Balgownie Primary School OP6, Aberdeen College OP7, Balgownie Home Farm OP11, “One” Sport Centre OP12 and AECC Bridge of Don OP13)</p> |
| <p>New 16 GP Health Centre (including land) to accommodate existing four GP Practice with 12 additional GP's, support staff and other primary care support services. Two new six chair Dental Surgeries. Four new Community Pharmacies.</p> | <p>Zone 2 – Grandhome OP9</p> |
| <p>New 11 GP Health Centre (including land) to accommodate eight existing GP's with 3 additional GP's, support staff and other primary care support services. One new Community Pharmacy</p> | <p>Stoneywood OP17, Former Carden School Dyce OP15, (Support from housing development in Newmachar within the Aberdeenshire LDP is also sought as primary care services are provided from Dyce)</p> |
| <p>New 15 GP Health Centre (including land) to accommodate 6 existing GP's with 9 additional GPs, support staff and other primary care services. Two new Community Pharmacies.</p> | <p>Zone 3 – Newhills Expansion – Craibstone South OP20, Rowett South OP21, Greenferns Landward OP22 along with contributions from Bankhead Academy OP14, Davidson Papermill OP16 (Support from housing development in Blackburn within the Aberdeenshire LDP is also sought as primary care services are provided from Bucksburn Practices)</p> |
| <p>Provision of Healthy Hoose in</p> | <p>Contributions from Woodside</p> |

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| Woodside area | Op25, Haudagain Triangle OP65, Manor Walk OP66, Hilton Nursery OP84 and Smithfield Primary OP89 |
| New 6 GP Health Centre (including land) to accommodate 4 existing GPs with 2 additional GPs, support staff and other primary care services including dental chairs | Zone 4 – Greenferns OP28 and OP33 |
| Extension at Kingswells Health Centre to accommodate 2 additional GP's, support staff and other primary care services. | Kingswells OP30 |
| New 9 GP Health Centre (including land) to accommodate 7 existing GPs with 2 additional GPs, support staff and other primary care services. | Zone 5 – Maidencraig South OP31 and Maidencraig OP32, along with contributions from Grenfern Infant OP27, Burnside OP37, Summerhill Academy OP93 |
| New 7 GP Health Centre (including land) including support staff and other primary care services to support the population in this new community. Two new Community Pharmacies. | Zone 6 – Countesswells OP38 |
| Extension to the existing Cults Health Centre to support the General Medical Services with an additional GP, support staff and other primary care services in the Cults community. | Zone 7 – Friarsfield OP41, along with contributions from Braeside OP39, Cults and Pumping Station OP40 |
| Extension to Peterculter Health Centre to accommodate one additional GP, support staff and other primary care services. One new Community Pharmacy. | Oldfold OP48 along with contributions from Kenerty Mill OP42, Milltimber Primary OP43, Peterculter East OP45, Culter House OP46, Edgehill Rd OP47, Petercultuer Burn OP51, Malcolm Rd OP52, Mid Anguston OP108 and Woodend Peterculter OP109 |
| Extension to Cove Bay Health Centre to accommodate 3 additional new GPs, support staff and other primary care services. | Zone 8 – Loirston OP59 along with Cove OP56, Stationfields OP58 |

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| One new Community Pharmacy in the Loirston development. | |
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Summary of response (including reasons) by planning authority:

Background

From the outset of the review of the extant Local Development Plan (CD42), the Council has taken a proactive approach by identifying infrastructure required to support new development. This process has involved working with a range of organisations through the Future Infrastructure Requirements for Services (FIRS) Group to assess the capacity of existing infrastructure and its ability to cope with new development in each area of the City, and to then assess additional infrastructure required.

Proposed Plan Policy I1 – Infrastructure Delivery and Planning Obligations and Appendix 3 set out the broad principles including the items for which contributions will be sought and the occasions when they will be sought. Additional detail on the methodology used and the criteria that should be used to calculate developer contributions is provided in the Proposed Supplementary Guidance: Planning Obligations (CD25). The Proposed Action Programme (CD21) outlines further details on the delivery of supporting infrastructure. Both the Proposed Supplementary Guidance and Action Programme can be updated to take account of changing circumstances as sites come forward. We propose to carry forward the same broad approach and principles from the extant Local Development Plan into the Proposed Plan, with some minor updates and wording changes.

The Aberdeen City and Shire Strategic Development Plan (SDP) 2014 (CD12) proposed not to allocate additional land, but to ‘roll forward’ the allocations from the Aberdeen City and Shire Structure Plan 2009 (CD20) into the SDP, and this was accepted by the Reporter during the SDP’s Examination (Issue 5 pages 54-74) (CD13). The Reporter’s conclusion stated that “Drawing all of these matters together, I conclude that the scale and distribution of growth provided for in the housing allowances is appropriate and sufficient, in accordance with the requirement of paragraph 117 of Circular 6/2013.” Aberdeen City Council agree with these conclusions. As a reflection, the vast majority of sites identified in the Proposed Plan have also been ‘rolled forward’ and, as such, Appendix 3 within the Proposed Plan has not changed significantly from Appendix 4 within the extant Plan.

General

148: Stoneywood has been removed as a Masterplan Zone as it is well progressed in its construction. However, it remains appropriate to retain the infrastructure requirements for Stoneywood within Appendix 3 as not all of the requirements have been met or completed.

Cumulative Transport Infrastructure

183: A description is provided within Appendix 3, underneath the Cumulative Transport Infrastructure heading, as "Contributions required in order to address the cumulative impact of development on the transport network". The Strategic Transport Fund schemes referred to by the respondent are listed on page 36 of the Proposed Plan under section "Managing the Transport Impact of Development" at paragraph 3.44. The projects were identified by the Aberdeen City and Shire Strategic Development Planning Authority (SDPA) in conjunction with both Aberdeen City and Aberdeenshire Councils, the North East of Scotland Transport Partnership (Nestrans) and Transport Scotland. The issue raised by the Respondent was covered by the Aberdeen City and Shire Strategic Development Planning Authority in response to a representation to the Draft Strategic Transport Fund Supplementary Guidance. The Supplementary Guidance (CD19) was adopted by the SDPA on 25 June 2015 and has since been ratified and is being implemented by both constituent Councils. Section 4 of the Supplementary Guidance "Who will be expected to contribute" provides further detail. An additional paragraph (4.9) was added to the draft Supplementary Guidance prior to its adoption, in response to representations received during its consultation period, to clarify the issue raised by the respondent with regards to local vs strategic contributions and "double counting".

Update to Reflect Masterplans/Planning Permissions/Legal Agreements

General

149: When comparing Appendix 4 of the extant Local Development Plan and Appendix 3 of the Proposed Plan there are two differences in the requirements listed for Masterplan Zones. Both changes relate to Newhills expansion and a reduction in the requirement for education. The Proposed Plan clarifies that there is no requirement for a new secondary school at Newhills, and that only two new primary schools are now required (not three as stated in the extant Plan). This change has been made through extensive consultation with the Council's Education Service, and reflects the updated position as stated within the [Newhills Development Framework](#) Supplementary Guidance which was adopted on 9 January 2015.

85, 101, 149, 183: The majority of the Proposed Plan sites have been 'rolled forward' from the extant Local Development Plan (CD42), and the majority of these have agreed Development Framework/Masterplans, planning consents and/or have begun construction. Similarly, the infrastructure requirements for Masterplan Zones have also been 'rolled forward'. As discussed above, the identification of infrastructure requirements listed in Appendix 3 was part of a proactive approach to highlight infrastructure requirements as a result of new development at an early stage in order to inform the development industry of areas where contributions may be required. Appendix 3 provides a snap shot in time of up-front likely infrastructure requirements which would then be assessed and evaluated further through the Masterplanning and planning application processes. Subsequent site specific detail is provided in the Proposed Action Programme (CD21) which outlines detail regarding the delivery of supporting infrastructure. The Proposed Action Programme also reflects the detail of planning permissions and legal agreements signed under Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended ('Section 75 agreements') (CD02) with regards to the provision and phasing of infrastructure. It is therefore not considered necessary to amend Appendix 3 of the

Proposed Plan to reflect specific planning permissions/Section 75 agreements as they supersede the information contained within the Appendix. The Action Programme remains the most appropriate vehicle to provide up to date "live" information with regards to the delivery of sites in the Local Development Plan.

Health

148: As detailed above, the vast majority of sites identified in the Proposed Plan have been 'rolled forward' and, as such, Appendix 3 of the Proposed Plan has not changed significantly from the extant Plan. The FIRS group (including NHS Grampian) were engaged with during the Plan preparation process. Infrastructure requirements were assessed in conjunction with a range of organisations through the FIRS group. It is not considered appropriate to now amend the requirements identified in Appendix 3 where the majority of sites already have agreed Development Frameworks/Masterplans/Planning Permissions and Section 75s. Furthermore, the Development Frameworks/Masterplans have been agreed as statutory Supplementary Guidance to the Local Development Plan 2012. It would therefore not be reasonable to apply different requirements to sites which are already considerably progressed and have their infrastructure requirements firmly established. As detailed above, the Action Programme reflects the most up-to-date position with regards to infrastructure delivery.

Strategic Wastewater Infrastructure

76: Scottish Water's comments regarding exploration of opportunities in delivering strategic wastewater infrastructure in addition to water infrastructure to meet cumulative demands of developments are noted.

Reporter's conclusions:

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Reporter's recommendations:

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| Issue 41 | APPENDIX 4 - MASTERPLANS | |
| Development plan reference: | Page 94 | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Ms Susanne Stevenson of Scottish Water (76) Mr Michael Lorimer of Ryden LLP on behalf of Robert Gordon University (77)</p> | | |
| Provision of the Development Plan to which the issue relates: | List of Masterplan sites | |
| Planning authority's summary of the representation(s): | | |
| <p>76: Scottish Water support the use of the Masterplanning process to aid the delivery of larger or complex sites.</p> <p>77: The Robert Gordon University Garthdee Campus Masterplan document should be retained as Supplementary Guidance. There are still a number of sites within the Masterplan which need to be built out.</p> | | |
| Modifications sought by those submitting representations: | | |
| <p>77: Add the Robert Gorgon Masterplan: Garthdee Masterplan to the list of Supplementary Guidance.</p> | | |
| Summary of response (including reasons) by planning authority: | | |
| <p>76: We acknowledge the support for the Masterplan process.</p> <p>77: With regard to The Robert Gordon University Garthdee Campus Masterplan this document has been removed from the list of Supplementary Guidance in Appendix 4. The decision was taken to rationalise the number of supplement documents attached to the Local Development Plan. The site Supplementary Guidance documents taken forward are those in multiple ownership and/or when development has yet to take place on site. The Robert Gordon University Garthdee Masterplan will still be associated to the Local Development Plan and will have the status of local planning advice. The document will be a material consideration when determining planning applications in this location.</p> | | |

Reporter's conclusions:

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Reporter's recommendations:

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| Issue 42 | ACTION PROGRAMME AND MONITORING | |
| Development plan reference: | Paragraphs 1.12, 3.33, 3.34, and 4.3. Policy I1 and page 73. | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Ms Susanne Stevenson of Scottish Water (76) Ms Lavina C. Massie on behalf of Culter Community Council (98) Mr Peter Roberts of Cults, Bieldside & Milltimber Community Council (102) Mr Abdul Latif of The New Aberdeen Mosque and Community Centre Project (116) Mr Mike Williams of Scott Hobbs Planning on behalf of Scottish Enterprise (120) Mrs Claire Coutts of Ryden LLP on behalf of NHS Grampian (148)</p> | | |
| Provision of the Development Plan to which the issue relates: | Continual monitoring and reviewing of the Plan and associated documents. | |
| Planning authority's summary of the representation(s): | | |
| <p>Water/Wastewater</p> <p><u>OP8 - East Woodcroft North</u></p> <p>76: This small development will have no real impact on water or wastewater infrastructure.</p> <p><u>OP9 - Grandhome and OP31 - Maidencraig</u></p> <p>76 The developer does not need to wait until they have received full planning permission to submit an application to connect. We would actively encourage developers to submit a Pre Development Enquiry form.</p> <p><u>OP18 - Craibstone North and Walton Farm and OP20 - Craibstone South</u></p> <p>76: OP18 and OP20 have been combined in the Action Programme but a separate comment has also been duplicated for OP18 and this could perhaps be removed. Scottish Water's Development Impact Assessment has now been superseded by our Pre Development Enquiry form. The developer will be notified if a Water Impact Assessment or Drainage Impact Assessment is required for their site in our response to the enquiry.</p> <p><u>OP21 - Rowett South</u></p> <p>76 The water and wastewater comments for this site appear to be under a duplicate entry of OP20. As the site is still named Rowett South it is most likely the reference number just needs to be updated.</p> | | |

OP41 - Friarsfield and OP59 - Loirston

76: The developer has completed a Water Impact Assessment for this site.

OP59 - Prime Four Extension

76: A Water Impact Assessment and Drainage Impact Assessment will be required for this site.

OP108 - Mid Anguston

76: This site may require a flow and pressure test as it is situated at the end of the network. Internal water storage would also be recommended within each property. There is a small septic tank here but there is currently zero capacity. Should the development wish to connect, Scottish Water will initiate a growth project once our 5 Growth Criteria are met.

OP109 - Woodend Peterculter

76: Each property will require internal water storage. There is no sewer infrastructure in the vicinity, so a sewer mains extension will be required to connect to the public system.

Planning Gain/Developer Contributions

98 Vital to collect data on planning gain/developer contributions to ensure they are being developed and in the required time frame.

Other Infrastructure

OP41 - Friarsfield

102: A sentence should be added outlining the completed condition of the full link road between Kirk Brae and Craigton Road. And the provision of affordable housing under planning application 140272.

OP85 - Mosque

116: The phrase “with interested parties” does not properly reflect the position.

City Centre Masterplan and Delivery Programme

120: Greater emphasis needs to be placed on the on the fact that funding mechanisms are to be identified and the Delivery Plan is to be implemented as a matter of urgency, along with funding and delivery of better public transport to and around the city centre.

Aberdeen Airport

120: Support identification of land for employment use and the identification of necessary infrastructure. The Plan needs to provide a more proactive positive framework to highlight the importance of the employment land allocations adjacent to the Airport.

Harbour Extension

120: Measures should be introduced to seek delivery of the necessary infrastructure to facilitate the Harbour Expansion.

Healthcare

148: The Action Programme does not provide enough detail in relation to the contributions required to have healthcare facilities in housing sites out with the Masterplan Zones.

Modifications sought by those submitting representations:

OP85 - Mosque

116: The wording for the entry on page 57 should be changed to: "The New Aberdeen Mosque and Community Centre: negotiations to progress the project are being advanced".

City Centre Masterplan and Delivery Programme

120: Amend the Plan to place greater emphasis on identifying and securing funding mechanisms and delivery of essential infrastructure to secure the implementation of the City Centre Masterplan.

Aberdeen Airport

120: Revisions to the Action Programme to give priority to the implementation of the Masterplans within this growth zone, ensuring the delivery of the necessary infrastructure with innovative funding mechanisms

Harbour Expansion

120: Revisions to give priority to the implementation of the Masterplan for the Nigg expansion and development of associated employment land, ensuring the delivery of the necessary infrastructure with innovative funding mechanisms

Healthcare

148: Healthcare requirements for housing sites outwith the Masterplan Zones should be specifically recognised in the Action Programme.

Summary of response (including reasons) by planning authority:

The Proposed Action Programme (CD21) itself is not subject to Examination but it was felt the comments submitted on this topic should be passed to the Reporters' Unit to ensure a holistic approach was taken. The Proposed Action Programme will be update and adopted within three months of the adoption of the Aberdeen Local Development Plan 2016, as is required by Regulation 21 (8) of Planning etc. (Scotland) Act 2006 (RD08). Should the sites below still be included in the Plan post the Examination period then the information below will be inputted as noted. Our intention is to update the Action Programme three to four times a year to ensure it becomes a user friendly, workable, fit for purpose document. Monitoring will be carried out on a regular basis to assess policies and their usefulness.

Water/Wastewater

76: We note the small impact OP8 - East Woodcroft North will have on water or wastewater infrastructure. We note that OP9 - Grandhome and OP31 - Maidencraig can submit a Pre-Development Enquiry form and are actively encouraged to do so. We note the duplication of information regarding OP18 - Craibstone North and Walton Farm and we will rectify this. The reference to Scottish Water's Development Impact Assessment will be changed to Pre-Development Enquiry Form and will note that the developer will be notified if a Water Impact Assessment or Drainage Impact Assessment is required for their site in Scottish Waters response to the enquiry. We note the misnaming of site OP21 - Rowett South as OP20 - Rowett South and will rectify this. We note OP41 - Friarsfield and OP59 - Loirston have completed a Water Impact Assessment. We note a Water Impact Assessment and Drainage Impact Assessment are required for site OP59 - Prime Four Extension. We note site OP108 - Mid Anguston may require a flow and pressure test as it is situated at the end of the network. Internal water storage would also be recommended within each property. There is a small septic tank with no capacity - should the development wish to connect Scottish Water will initiate a growth once the 5 Growth Criteria are met. We note OP109 – Woodend, Peterculter will require internal water storage. There is no sewer infrastructure therefore a sewer mains extension will be required to connect to the public system.

Planning Gain/Developer Contributions

98: Aberdeen City Council monitor policy usage on a monthly basis. The data collection and monitoring of planning gain/developer contributions is captured from legal agreements prepared under Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended ('Section 75 agreements') once these are signed. This information is then inputted in to the Action Programme. With regard to affordable housing we intend to continue this practice. Further monitoring is also been investigated, such as the capture of the types and tenure of affordable housing being developed onsite, this will be a joint monitoring between the Council's Local Development Plan Team and Housing Teams.

Other Infrastructure

OP41 - Friarsfield

102: We note a reference should be added outlining the completion of the planning application condition relating to the full link road between Kirk Brae and Craigton Road, and the 12 affordable units.

OP85 - Mosque

116: The change of wording to read, "The New Aberdeen Mosque and Community Centre: negotiations to progress the project are being advanced" has been noted. The Action programme will be updated accordingly.

City Centre Masterplan and Delivery Programme

120: The delivery of the City Centre Masterplan and Delivery Programme (CCMP&DP) is to be carried out by a specific City Centre Masterplan Delivery Team. The projects identified within the CCMP&DP are expected to be programmed into a number of future Local Development Plans, as the CCMP&DP runs beyond the scope of a Local Development Plan. The relevant Action Programmes will be updated, taking their lead from the City Centre Masterplan Delivery Team.

Aberdeen Airport

120: It is the Council's intention that the Masterplans within the area around Aberdeen Airport, including the [Newhills Development Framework](#), will be (re)adopted as Supplementary Guidance to the Aberdeen Local Development Plan 2016 once adopted. The Newhills Development Framework outlines phasing and delivery within Section 6 of the document. Appendix 3 of the Proposed Plan outlines the infrastructure required in this area. The delivery of the infrastructure will be through a combination of Section 75 agreements, Strategic Transport Fund (CD19) (Supplementary Guidance to the Aberdeen City and Shire Strategic Development Plan 2014) contributions, input from the National Health Service and the Council. It is expected that the Newhills Development Framework will be implemented; therefore prioritising the implementation of the document would not be required. All development areas in the city contribute to the overall aim of ensuring Aberdeen is an even more attractive, prosperous and sustainable European City Region and an excellent place to live, visit and do business. The Action Programme will not be updated to give priority to this Development Framework.

Harbour Extension

120: The Aberdeen Harbour Board are currently preparing a [Development Framework](#) for an extension of Aberdeen harbour at Nigg Bay. This document will outline phasing. The delivery of the infrastructure will be through a combination of Section 75 agreements, Strategic Transport Fund contributions, and the Council's commitments. It is expected that the Development Framework will be implemented therefore prioritising the implementation of the document would not be required. All

development areas in the city contribute to the overall aim of ensuring Aberdeen is an even more attractive, prosperous and sustainable European City Region and an excellent place to live, visit and do business. The Action Programme will not be updated to give priority to this Development Framework.

Healthcare

148: The healthcare requirement detail in the Action Programme is provided by the NHS Grampian. Data on healthcare facilities from non-Masterplan Zone sites when forthcoming from the NHS will be programmed into the Action Programme.

Reporter's conclusions:

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Reporter's recommendations:

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| Issue 43 | HABITATS REGULATIONS APPRAISAL AND STRATEGIC ENVIRONMENTAL ASSESSMENT ENVIRONMENTAL REPORT | |
| Development plan reference: | Paragraph 2.6 | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Ms Nina Turner of Scottish Natural Heritage (54) Mr Abdul Latif of The New Aberdeen Mosque and Community Centre Project (116) Mr Johnathan Whittlestone of Strategic Environmental Assessment Gateway on behalf of Historic Scotland, Scottish Natural Heritage and Scottish Environment Protection Agency (184)</p> | | |
| Provision of the Development Plan to which the issue relates: | Identifies key environmental issues, assesses significant effects and mitigations where appropriate | |
| Planning authority's summary of the representation(s): | | |
| <p>Strategic Environmental Assessment</p> <p><u>General Support for Scope and Content</u></p> <p>54, 184: Key environmental issues have largely been correctly identified, and the assessment of likely significant effects has largely been carried out satisfactorily.</p> <p>54: The Strategic Environmental Assessment correctly identifies a clear need for the plan to address possible adverse effects on the River Dee Special Area of Conservation.</p> <p><u>Assessment of Impact OP85 King Street/Beach Esplanade</u></p> <p>116: Believe that the negative impact of development this site on all of the indicators has been overstated, and that a number of factors have not been considered which would serve to lessen or remove such impacts. In some cases, the development would actually have a positive effect.</p> <p><u>Minor Amendments Requested by Consultation Authorities</u></p> <p>54, 184: A number of minor amendments and wording changes to the Report and the assessment of Policies and sites are recommended, as detailed in representations. These relate primarily to Mitigation Measures identified and the treatment of individual site assessments.</p> <p>Habitats Regulations Appraisal</p> <p><u>Assessment of Impact of Water Abstraction on River Dee Special Area of</u></p> | | |

Conservation

54: Do not consider that the Habitat Regulations Appraisal Record has demonstrated that there would be no adverse effect on the integrity of the River Dee Special Area of Conservation. Supporting information from Scottish Water and/or Scottish Environment Protection Agency on future abstraction levels may enable a future iteration of the Habitat Regulation Appraisal Record to demonstrate that there will be no adverse effect on the integrity of River Dee Special Area of Conservation.

Modifications sought by those submitting representations:

Strategic Environmental Assessment

Assessment of Impact OP85 King Street/Beach Esplanade

116: The assessment of this site should be changed to indicate that the impact of development will have no detrimental impact, or be minimal.

Minor Amendments Requested by Consultation Authorities

54, 184: Various minor amendments and detailed wording changes requested.

Summary of response (including reasons) by planning authority:

Strategic Environmental Assessment

General Support for Scope and Content

54, 184: Support noted.

Assessment of Impact OP85 King Street/Beach Esplanade

116: The assessment of this site was carried out by Officers in accordance with internal guidance and was consistent with the assessment of all other sites in the Proposed Plan. Although the assessment identifies some potential negative impacts, this is to be expected as all development will have some degree of negative impact on the environment. Overall, these effects were not considered to be very significant. As such, the site is considered to be suitable for development and has been allocated as a Proposed Opportunity Site within the Proposed Plan.

Minor Amendments Requested by Consultation Authorities

54, 184: All of the suggested amendments have been assessed and actioned. See RD01 Strategic Environmental Assessment and RD02 Habitats Regulations

Appraisal for a full account of the changes required and how the changes have been made.

Habitats Regulations Appraisal

Assessment of Impact of Water Abstraction on River Dee Special Area of Conservation

54: Aberdeen City Council met with and wrote to Scottish Water asking if they could address concerns over the amount of proposed development in both Aberdeen City and Aberdeenshire and the possible impact this may have on licenced water abstraction levels from the River Dee. Scottish Water confirmed in writing (RD73) that taking into consideration all proposed developments in the two Local Development Plans, the amount of water required from the River Dee is forecast to still fall below the current volume that Scottish Water is licensed to abstract. The following passage has been added to the relevant sections of the Habitats Regulation Appraisal (CD27), "Taking into consideration all proposed developments in both the City and Shire Local Development Plan's, the amount of water required from the River Dee is forecast to still fall below the current volume that Scottish Water is licensed to abstract. Therefore, we do not foresee the need to change the CAR Licence limit in response to growth anticipated in the North East."

SHN confirmed by email that they are satisfied with this approach (RD74) and that the Proposed Plan will not adversely affect the integrity of the sites listed in this assessment.

Reporter's conclusions:

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Reporter's recommendations:

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| Issue 44 | MISCELLANEOUS | |
| Development plan reference: | N/A | Reporter: |
| Body or person(s) submitting a representation raising the issue (reference no.): | | |
| <p>Ms Mhairi Johnston (69) Mr John Findlay of Ryden LLP on behalf of Stewart Milne Homes (85) Mr Alasdair Morrison of GVA James Barr on behalf of F&C REIT Asset Management (87) Mr George Wood of Old Aberdeen Community Council (100) Clare Pritchett of Scottish Environment Protection Agency (124) Mr Blair Melville of Homes for Scotland (149)</p> | | |
| Provision of the Development Plan to which the issue relates: | N/A | |
| Planning authority's summary of the representation(s): | | |
| <p>Mitigation, Public Consultation and Equalities Assessment</p> <p>69: It is concerning that the public consultation stage of planning is meaningless, if all concerns can be answered by "mitigation measures" to address adverse effects. What is the point of allowing representations, and how is it a "fair hearing" if all concerns can be answered in this way? 'Mitigation' is a way of getting round objections. There is a lack of clarity and accountability to the process.</p> <p>69: Equality and Human Rights Impact Assessment (EHRIA) appears to have been completed as a 'tick box' exercise and not given any serious and meaningful consideration. It is clearly not true to say that there will be no impacts on people with protected characteristics, or that there will be no potential to interfere with the human rights highlighted. It is completely inaccurate to suggest that the very fact of consultation is satisfactory evidence for no likely impact on citizens, with protected characteristics or otherwise.</p> <p>Supplementary Guidance</p> <p>85: Proposed Plan is concise and relatively easy to read, when taken with the Supplementary Guidance it becomes a cumbersome document.</p> <p>149: Generally, the Plan does not include some policy matters contained in Supplementary Guidance, notably around periods for which the Council will retain monies and mechanisms for holding and accounting for monies. There is also no justification in the Supplementary Guidance for the costings for facilities.</p> <p>The Reporters are requested to scrutinise all Supplementary Guidance to ensure that policy requirements are included in the Plan.</p> | | |

Retail Study

87: Over reliance on achieving the quantitative capacity of 35,000 square metres may lead to pressure to grant permission to retail floorspace in out-of-centre locations. A spatial balance is required to meet this large scale retail capacity in order that parts of the city centre are not disadvantaged by over concentration in one location and that the entire city centre strategy is taken into account in such decisions on large scale investment. This is particularly the case in terms of the long term future of Union Street as a retail and visitor location.

Transport

100: Many of the headings in this Plan relate to traffic movements and a holistic plan for all traffic within the Aberdeen area is long overdue. As part of this plan, Aberdeen City Council and other bodies should undertake long-term traffic management planning for the whole area and design meaningful traffic routing to allow the development of co-ordinated traffic routes throughout the area.

100: Section 2.20 lists the Aberdeen Western Peripheral Route, Third Don Crossing and Haudagain roundabout improvements, although these are essential to development they are not the ultimate transport solution. Emphasis must be placed on the city's links to these routes and more importantly to public transport, rail links and dedicated cycle routes.

Website Links

124: Links to SEPA's website pages in the Proposed Plan no longer work as SEPA's website has been updated. Reference should be made to the Scottish Environment Protection Agency (not Environmental as at para 3.110).

Modifications sought by those submitting representations:

Equality and Human Rights Impact Assessment

69: That this assessment is completed more fully and accurately, with reference to more specific evidence which would demonstrate that the Assessor has taken time to reflect meaningfully on impacts before completing the assessment, and which would result in a document that actually serves the purpose for which it was intended.

Supplementary Guidance

149: The Reporters are requested to scrutinise all Supplementary Guidance to ensure that policy requirements are included in the Plan.

Summary of response (including reasons) by planning authority:

Mitigation, Public Consultation and Equalities Assessment.

69: Virtually all development, from replacement windows to new roads and communities, will have some impact. Many of these impacts are positive – providing homes to live, employment areas to work, open spaces to play, places to shop and roads, paths and cycleways to move between these places. Development will also have negative impacts. Mitigation is the term we use to describe the policies and processes we apply to either eradicate or reduce these impacts.

The planning system looks to respect the rights of the individual whilst acting in the interest of the wider community. In doing so, we assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

An Equality and Human Rights Impact Assessment (EHRIA) is a tool that helps to systematically consider relevant evidence that we can test against proposals that may have an unfair or unequal effect on different groups of people within the community. It is not designed to test the effects of a proposal on the public as a whole. Instead, it asks us to:

- Ensure that the proposal does not discriminate;
- Consider how the proposal might better advance equality of opportunity; and
- Consider whether the proposal will affect relations between different groups.

We do not consider that the Proposed Plan, or the consultation process around it discriminates against any groups with protected characteristics. Our consultation arrangements are set out in the Participation Statement (CD48) and are considered robust. The amount of background information accompanying the Proposed Plan is substantial. This reflects the importance of a document which will guide the development of Aberdeen for the next five years and which will have consequences well beyond that. Checks and balances are inherent in the system to ensure fairness – from the assessment by professional Officers, consideration by democratically Elected Members, through to the scrutiny of independent Reporters. Further opportunities to comment on proposals also exist at the Masterplan stage (when carried out) and when planning applications are submitted.

Supplementary Guidance

85: We acknowledge that our Supplementary Guidance (CD25) can be difficult to penetrate due to the number and length of the documents. The extant Local Development Plan 2012 has 30 associated Supplementary Guidance documents covering individual topic areas such as affordable housing, flooding, and householder development. The Scottish Government has recently raised concerns with Planning Authorities over the volume of Guidance that is being produced. We believe that the policy content of the documents we have remains relevant and helps

to ensure a consistent approach in dealing with planning applications. However, having 30 separate documents means that there is currently a lot of repetition in terms of introductions, preambles, contact details and so on. We have therefore merged the Supplementary Guidance into one suite of documents, ordering the individual Supplementary Guidance into broader topic areas which reflect those in the Local Development Plan. This means that the detailed policy content of the Guidance remains intact, but the overall volume is much reduced. This should make it easier to find those parts of the Supplementary Guidance which are relevant to a particular proposal.

We also propose to reduce the number of Planning Briefs and Masterplans which will be adopted as Supplementary Guidance. These are listed in Appendix 4 of the Proposed Plan (on page 94) and are generally restricted to very large and often complex sites. All other Masterplans and Planning Briefs will be taken forward as non-statutory planning advice.

Retail Study

Paragraph 5.27 of the Aberdeen City and Aberdeenshire Retail Study 2013 (CD16) acknowledges this issue. It states that the scale of potential floorspace for Aberdeen city centre identified in this quantitative analysis is 60-65,000 square metres (gross floor area) by 2017. This is a result of both significant available expenditure growth and market forces favouring major centres. The Study (paragraph 5.27) explains that over the past decade, the net increase in comparison floorspace in the city centre has been approximately 37,000 square metres (gross floor area). However, with lower growth rates forecast it is difficult to consider that this scale of new floorspace could be developed in the city centre over this period. It is more likely that the limitations imposed by the numbers of operators interested in investing in Aberdeen (either now or in the future) and the practical difficulties associated with bringing new floorspace forward will act as a constraint to new floorspace development rather than the growth of expenditure.

The Study looked at various scenarios to deal with this issue with Scenario 3 being favoured (paragraphs 5.40 to 5.58). This looks to address deficiencies plus allow city centre development. This includes all development identified within the "Do Minimum" scenario plus meeting all retail deficiencies identified together with 30,000 square metres (gross floor area) floorspace for comparison goods within the city centre. The reduced figure represents a realistic assessment of bringing forward additional floorspace in the city centre balanced against potential market pressure to identify additional new retail locations and the need to protect other existing centres. The details of this preferred retail development strategy are described in the final Section of the Study (Section 6).

The Proposed Plan identifies potential city centre retail opportunities at OP102, OP91, OP67 and OP96. The City Centre Retail Core has been reduced in extent, particularly along the west end of Union Street, to provide more focus. A proposed West End Shops and Cafes policy area (Policy NC3) has been identified to encourage more specialised uses in the area, and the Mixed Use zoning for the west of Union Street should encourage a greater flexibility of uses there. There are also considered to be opportunities to expand the existing centres with a proposal to

expand Union Square ([151362](#)) pending for example. The focus of Proposed Plan Policies NC1 to NC6 is very much focussed on retaining Aberdeen City Centre as the Regional Centre and directing development to and protecting this and other existing Centres. New retail development is proposed for some of the new communities at Newhills, Grandhome and West Aberdeen/Countesswells (see Proposed Plan paragraph 3.28) and at a bulky goods retail park at Denmore Road (OP75). Overall it is considered that this represents a realistic and balanced approach to retail planning in Aberdeen over the lifetime of the Plan which serves to:

- Retain and expand the City centre's regional status;
- Protect existing centres;
- Identify appropriately scaled retail opportunities related to major new communities; and,
- Resist out of centre and speculative development.

Transport

100: Overall transport policy is dealt with in the North East of Scotland Transport Partnership (Nestrans) Regional Transport Strategy (2014) (CD15) and the Aberdeen Local Transport Strategy (LTS) (2008) (RD34). The Consultative Draft Aberdeen City Local Transport Strategy (Draft LTS) 2015-2020 (CD34) has been developed to set out the policies and interventions adopted by Aberdeen City Council to guide the planning and improvement of the local transport network over the next five years. It must take into account national and regional transport, planning and economic development policies, as well as being fully integrated with the Council's wider objectives and outcomes.

LTS objectives are reflected in the Proposed Plan, and although an important part of this is the considerable investment in road infrastructure which is now underway. There are proposals to improve public transport outlined in Proposed Plan Policy T1 – Land for Transport and likely projects arising from the Strategic Transport Fund (Supplementary Guidance to the Aberdeen City and Shire Strategic Development Plan 2014) are outlined in paragraph 3.44 of the Plan. In addition, Proposed Plan Policy T3 – Sustainable and Active Travel requires new development to be accessible by a range of transport modes, with an emphasis on sustainable and active travel.

The current LTS was adopted in 2008 and focussed on delivery of the Aberdeen Western Peripheral Route (AWPR) and the opportunities that this new road capacity would afford to reorganise and improve the use of the City's overall road network. Although the current LTS has come to the end of its intended life span, as Aberdeen remains in a pre-AWPR state, much of the content is still relevant and will continue to be so going into the period 2015 to 2020. It has therefore been determined that a fundamental change in the overall policy approach is not required; instead a refresh, reflective of changes to national, regional and local policy more appropriate.

Website Links

124: We will correct the error in paragraph 3.110 and refer to the main SEPA website www.sepa.org.uk only by removing the additional pages. We would regard these changes as Non-Notifiable Modifications, as listed on CD26.

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| Reporter's conclusions: |
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| Reporter's recommendations: |
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